



(ii) That the scheme impugned in this writ petition is not merely for the benefit of the medically invalidated but also for the benefits of persons found medically unfit, is made clear by several clauses in the scheme which require the employees to continue in service up to the age of 58 years even if they are found to be medically unfit, so that they just have 2 years of left over service. Yet another clause in the scheme makes it mandatory for the employees who are found medically unfit, to continue to be in service up to the age of retirement, if the dependent for whose benefit they seek to retire, is found to be medically unfit. Therefore, it is very clear that the scheme seeks to confer a benefit upon persons who are medically claimed to be unfit, but who can serve either up to 58 years of age to pave way for their ward to get appointment or up to 60 years of age in case the ward is found to be medically unfit. Such a scheme clearly offends Article 16 of the Constitution, since the two pre-requisites indicated in V. Sivamurthy, namely, (a) unemployability, due to medical invalidation and (b) becoming a burden on the family due to such unemployability, will not be satisfied in cases covered by the scheme."

paragraph 20 :

"20. Therefore, it is clear that the scheme floated by the 3<sup>rd</sup> respondent, which is impugned in the present public interest litigation is clearly violative of Articles 14 and 16 of the Constitution for the following reasons :

(i) That it is a scheme not intended for the benefit of the medically invalidated employees, but who can continue in service up to the normal date of retirement, if their dependant is found to be unfit or disqualified,

(ii) That the scheme itself is a device to perpetuate succession, by easing out employees on the verge of retirement, just two years prior to their retirement so that they can pass on the baton to their chosen dependent."

3. We are satisfied, that the aforesaid reasons, by themselves, were sufficient to arrive at the conclusion,

that the High Court eventually recorded, while setting aside the scheme as violative of Articles 14 and 16 of the Constitution of India.

4. In the above view of the matter, the other reasoning recorded by the High Court, while affirming the conclusion drawn by it, may not be taken to have been examined by us, while determining the veracity of the conclusions recorded by the High Court, in setting aside the Circular.

5. The special leave petitions are disposed of in the above terms.

.....CJI.  
[JAGDISH SINGH KHEHAR]

.....J.  
[Dr. D.Y. CHANDRACHUD]

.....J.  
[SANJAY KISHAN KAUL]

New Delhi;  
17<sup>th</sup> April, 2017.

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SItem No.23 :

Petition(s) for Special Leave to Appeal (C) No(s).11566/2017

(Arising out of impugned final judgment and order dated 16/03/2017 in WP(PIL) No.19/2017 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

TELANGANA BOGGU GANI KARMIKA SANGAM

Petitioner(s)

VERSUS

K. SATISH KUMAR AND ORS

Respondent(s)

(With appln.(s) for exemption from filing c/c of the impugned judgment and interim relief and office report)

Item No.32 :

SLP(C)No.11268/2017

(With appln.(s) for seeking permission to bring additional facts and office report)

Date : 17/04/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Mukul Rohatgi,AG  
In SLP(C)No.11268 Mr. S.U.K. Sagar,Adv.  
Mr. Piyush Dwivedi,Adv.

State of Telangana Mr. Ranjit Kumar,SG  
Mr. P.P. Rao,Sr.Adv.  
Mr. A. Subba Rao,Adv.  
Mr. A.T. Rao,Adv.  
Mr. K.L.D.S. Vinober,Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

The special leave petitions are disposed of in terms of the signed order.

(Sarita Purohit)  
Court Master

(Renuka Sadana)  
Assistant Registrar

(Signed order is placed on the file)