

ITEM NO.16

Court 4 (Video Conferencing)

SECTION XI

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**Petition(s) for Special Leave to Appeal (C) No.10642/2019**

**(Arising out of impugned final judgment and order dated 07-04-2017 in WPSB No.1475/2006 passed by the High Court of Judicature at Allahabad, Lucknow Bench)**

**UNION OF INDIA & ORS.**

**Petitioner(s)**

**VERSUS**

**RAJESH KUMAR GUPTA**

**Respondent(s)**

**(With appln.(s) for IA No.51182/2018 - CONDONATION OF DELAY IN FILING)**

**Date : 24-01-2022 These matters were called on for hearing today.**

**CORAM :**

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD**  
**HON'BLE MR. JUSTICE DINESH MAHESHWARI**

**For Petitioner(s)** Ms. Priyanka Das, Adv.  
Ms. Nidhi Khanna, Adv.  
Mr. P.V. Yogeswaran, Adv.  
Mr. Arvind Kumar Sharma, AOR

**For Respondent(s)** Mr. Siddhartha Dave, Sr. Adv.  
Mr. Pushkar Sharma, Adv.  
Mr. Aditya Vaibhav Singh, Adv.  
Ms. Saumya Gupta, Adv.  
Ms. Aarushi Singh, Adv.  
Ms. Vidhi Thaker, Adv.  
Mr. Fuzail Ahmad Ayyubi, AOR

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

- 1 On 22 January 1998, the respondent was offered a temporary appointment on the post of "Chainman" in the Group C/D (Non-gazetted) cadre in the Defense Estate Service. The appointment was liable to termination on one month's notice on either side without reasons being assigned.
- 2 On 5 November 1998, the services of the respondent were terminated. The termination was challenged in OA No 118 of 1999 before the Central Administrative Tribunal at its Lucknow Bench. By an order dated 9 September 2005, the Tribunal set aside the termination on the ground that an opportunity to show cause ought to have been furnished. However, the authorities were permitted to proceed in accordance with law. Pursuant to the order of the Tribunal, a notice to show cause was served on the respondent on 24 July 2006 after which the claim for reinstatement was rejected on 15 September 2006.
- 3 The Union of India instituted a writ petition before the High Court challenging the order dated 9 September 2005 of the Central Administrative Tribunal in OA No 118 of 1999. The High Court dismissed the petition by its impugned order dated 7 April 2017.
- 4 In the meantime, the respondent instituted OA No 228 of 2014 to challenge the order of the Principal Director, Defense Estates rejecting the claim for reinstatement. This being the position, and since the Union of India acted in pursuance of the order of the CAT by issuing a notice to show cause to the respondent, nothing would survive in the present proceedings. However, it is clarified that all the rights and contentions of the parties in the subsequent OA before the Central Administrative Tribunal are kept open to be adjudicated on merits.

- 5 The Special Leave Petition is accordingly disposed of.
- 6 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**  
**A.R. - cum - P.S.**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**