

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 1018/2020

THE STATE OF WEST BENGAL & ORS.

Appellant(s)

VERSUS

FAKIRUDDIN MOLLA & ANR.

Respondent(s)

WITH

Civil Appeal Nos.1023-1024/2020

Civil Appeal No.1019/2020

Civil Appeal No. 1020/2020

Civil Appeal Nos. 1025-1026/2020

Civil Appeal Nos. 1021-1022/2020

O R D E R

1. The State of West Bengal is the appellant in Civil Appeal No.1018/2020, Civil Appeal No.1019/2020 and Civil Appeal No.1020/2020. The private respondents are appellants in Civil Appeals No.1023-1024/2020, Civil Appeals No.1025-1026/2020 and Civil Appeal No.1022/2020.

2. The appeals filed by the private respondents are cross appeals preferred against the common judgement and order dated 18th December, 2017 passed by the Division Bench of the High Court at Calcutta in review applications preferred by the private respondents pursuant to the liberty granted to them in terms of the order dated 1st July, 2014 passed by this Court in Petition for Special Leave to Appeal(Civil) No.12979/2014

wherein the judgment and order dated 25th March, 2014, passed by the High Court at Calcutta, was assailed.

3. On the matter being taken up by the High Court on the basis of the review petitions filed by the private respondents, it was observed that the 100 point roster had not been applied to the cadre of Sub-officers by the Department till the selection took place in 2002, or even thereafter. It was further observed that there were several anomalies in the records maintained by the appellant-Department and it appeared that the *ex-post facto* exercise of operating a 100 point roster, was undertaken only to justify the appointments that had already been made so as to project that they were in conformity with the 100 point roster.

4. It is pertinent to note that even as per the communication dated 30th May, 2012, addressed by the Director General, West Bengal Fire and Emergency Services, to the Additional Chief Secretary, Government of West Bengal, it was stated that no records were maintained in connection with the date of occurrence of the vacancies in the post of sub-officers, since the very inception of the West Bengal Fire and Emergency Services and even after introduction of the 100 point roster. It was also stated that though the Directorate of West Bengal Fire and Emergency Services has been functioning since pre-independence days, the records were not being maintained properly.

5. In short, the appellant-State has been indicted by the High Court for failing to operate the 100 point roster and failing to apply the same to the cadre of sub-officers by the Department. Specific instances of the anomalies have been pointed out in the impugned judgement showing non-adherence to the 100 point roster system by the Department.

6. Having regard to the fact that much time has lapsed since the selection process that had commenced in the year 2002, the High Court was of the opinion that it was not a fit case where the private respondents could be given appointments. Instead, it was deemed appropriate to direct that they be released a sum of ₹9,00,000/- (Rupees nine lakhs) per person as lumpsum compensation with simple interest @ 9% per annum till the payment is released. Besides the above, costs of ₹2,00,000/- (Rupees two lakhs) has also been awarded to each respondent towards litigation expenses.

7. This Court is not inclined to interfere in the impugned judgement that has meticulously analysed the entire factual matrix before arriving at the conclusion. The quantum of compensation awarded also does not deserve interference by this Court. It is not in dispute that 50% of the compensation amount along with interest has already been released to the respondents, in terms of the order passed by this Court on 03rd July, 2018.

8. That being the position, while declining to interfere in the impugned order, the present appeals are dismissed and it is deemed appropriate to direct the appellant-State Government to release the balance amount in favour of each of the private respondents as per the impugned judgements, within four weeks from today.

.....J.
(HIMA KOHLI)

.....J.
(RAJESH BINDAL)

NEW DELHI
August 02, 2023

ITEM NO.103

COURT NO.11

SECTION XVI

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 S

Civil Appeal No(s). 1018/2020

THE STATE OF WEST BENGAL & ORS.

Appellant(s)

VERSUS

FAKIRUDDIN MOLLA & ANR.

Respondent(s)

([GROUP MATTER])

WITH

C.A. No. 1023-1024/2020 (XVI)

C.A. No. 1019/2020 (XVI)
(IA No. 68720/2018 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 67948/2018 - PERMISSION TO FILE LENGTHY LIST OF DATES)

C.A. No. 1020/2020 (XVI)

C.A. No. 1025-1026/2020 (XVI)

C.A. No. 1021-1022/2020 (XVI)

Date : 02-08-2023 These appeals were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE RAJESH BINDAL

For Appellant(s) Mr. Basab Sengupta, Adv.
Ms. Nandini Sen Mukherjee, AOR

Mr. Harsh Parashar, AOR

For Respondent(s) Mr. A. K. Ganguli, Sr. Adv.
Mr. Vikram Hegde, Adv.
Ms. Hima Lawrence, AOR
Mr. Soumalya Ganguli, Adv.
Mr. Debmalya Ganguli, Adv.
Mr. Abhinav Hansaraman, Adv.

Mr. Basab Sengupta, Adv.
Ms. Nandini Sen Mukherjee, AOR

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.
Ms. Kshitij Singh, Adv.

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

The present appeals are dismissed in terms of the signed
order.

Pending application, if any, stands disposed of.

(RASHMI DHYANI PANT)
COURT MASTER

(NAND KISHOR)
COURT MASTER

(signed order is placed on the file)