

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 9934-9938 OF 2017
(ARISING OUT OF SLP(C) NO(S).5079-5083 OF 2015)

OM PRAKASH SHARMA & ORS.

Appellant(s)

VERSUS

STATE OF RAJASTHAN & ORS.

Respondent(s)

WITH

CONMT.PET.(C) No(s). 882-886/2016 In SLP(C) No. 5079-5083/2015

O R D E R

CIVIL APPEAL NO(S). 9934-9938 OF 2017 :
(ARISING OUT OF SLP(C) NO(S).5079-5083 OF 2015)

Leave granted.

We have heard learned counsel for the parties.

The High Court has held that confirmation could not be the basis of seniority in terms of Rule 35 of the Rajasthan Forest Service Rule, 1962 and on that basis the original petitioners, Bhera Ram Bhadu and others, were entitled to count the service from the date of their appointment i.e. 27th April, 1983. The State was directed to recast the seniority of the Assistant Conservator of Forests. The High Court further directed that benefit given to those who had already retired was not to be affected. In the process of implementation of the said direction, review DPC was held on 19th February, 2014, which

also considered promotions granted in the years 1979 to 1981-82. In terms of the the said decision of review DPC the promotees, who were appellants herein, were pushed down.

Grievance of the appellants is that their promotion was not beyond the quota, as quota itself had undergone change and there was relaxation in their favour. These issues were sought to be raised by filing S.B. Civil Writ Petition No.1840 of 2014 before the High Court. In view of the fact that while deciding the validity of Rule 35, the High Court had not adjudicated upon the issue of validity of promotions, the said issue has to be independently decided.

In view of the above, we direct that C.W.P. NO.1840 of 2014 will stand revived and may be adjudicated upon in accordance with law. The parties are directed to appear before learned Single Judge for further proceedings on Monday, the 4th September, 2017.

Interim stay granted by this Court against reversion of the appellants will remain in operation till the said writ petition is decided.

Application(s) for impleadment/direction will stand disposed of as infructuous. The applicants are free to take their remedies in accordance with law.

The appeals are accordingly disposed of.

Pending applications, if any, shall also stand disposed of.

CONMT.PET.(C) No(s). 882-886/2016 In SLP(C) No. 5079-5083/2015 :

In terms of the order passed in civil appeals arising out

of SLP(c) No(s).5079-5083 of 2015, the contempt petitions shall stand disposed of.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(UDAY UMESH LALIT)

New Delhi,
July 31, 2017.

ITEM NO.52

COURT NO.11

SECTION XV

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

Petition(s) for Special Leave to Appeal (C) No(s). 5079-5083/2015

(Arising out of impugned final judgment and order dated 29-03-2013 in DBCWP No. 703/1996, 29-03-2013 in DBCWP No. 4106/1995, 29-03-2013 in DBCWP No. 124/1996, 29-03-2013 in DBCWP No. 179/1996, 29-03-2013 in DBCWP No. 188/1996 passed by the High Court of Rajasthan At Jodhpur)

OM PRAKASH SHARMA & ORS.

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ORS.

Respondent(s)

(With IA 86-90/2016 - Application for modification/direction, IA 116-120/2016, I.A. No(s).96-100/2016, I.A.NO(s).127-131/2016, I.A.No.126/2016 - Application(s) for impleadment, I.A.No(s).137-141/2016 - Appln(s) for direction & exemption from filing O.T., I.A.No(s).81-85/2015 - Appln(s). for impleadment, I.A.No(s).148-152 & 153-157 of 2017 - Appln(s) for Directions and exemption from filing O.T., I.A.No(s).132-136 of 2016 - Appln(s). for Directions, I.A. No.86-90 of 2015 - Appln(s) for Directions, I.A.No(s).127-131 of 2016 - Application(s) for impleadment, I.A.No(s).106-110/2016 & I.A.No(s).111-115/2016 - Appln(s) for impleadment and exemption from filing O.T., I.A. No(s).96-100 of 2015 - Appln(s) for impleadment, I.A.No(s).116-120/2016 - Appln(s) for Direction, I.A.No.126/2016 - Appln(s) for impleadment, I.A.No(s).142-146/2016 - Appln(s). for Direction, I.A. No.147/2016 - Appln(s) for Directions, I.A.NO(s).121-125/2016 - Appln(s). for impleadment

WITH CONMT.PET.(C) No. 882-886/2016 In SLP(C) No. 5079-5083/2015

Date : 31-07-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Sushil Kumar Jain, Sr. Adv.
Mr. Puneet Jain, Adv.
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For Respondent(s) Mr. S.S. Shamsheery, AAG
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Mr. Lal Pratap Singh, Adv.
Mr. Umesh Pratap Singh, Adv.
Mr. Gaurav kejiriwal, Adv.

Mr. Jagjit Singh Chhabra, AOR
Mr. Jaswant Persoya, Adv.
Mr. Saksham Maheshwari, Adv.

Mr. Shantanu Jugtawat, Adv.
Mr. Amit K. Nain, AOR

Ms. Binu Tamta, AOR

Mr. Wasim A. Qadri, Adv.
Ms. Snidha Mehra, Adv.
Ms. Kirti Dua, Adv.
Mr. Deepak Goel, Adv.
Mr. Gurmeet Singh Makker, AOR

Mr. Naresh Kaushik, Adv.
Mr. Yogesh Yadav, Adv.
Mr. Manoj Joshi, Adv.
Ms. Shaili Pande, Adv.
Ms. Amita Singh Kalkal, AOR
Ms. Gauri Puri, Adv.

Mr. Anuj Bhandari, AOR

Mr. Ashok Panigrahi, AOR

Mr. R. C. Kohli, AOR

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

Leave granted in SLP(C)No(s).5079-5083 of 2015.

In terms of the signed order civil appeals and contempt
petitions are disposed of.

(MAHABIR SINGH)
COURT MASTER

(PARVEEN KUMARI PASRICHA)
COURT MASTER

(Signed order is placed on the file)