

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4432 OF 2017
(@ Special Leave Petition No. 24981/2014)

SIDARTHHA MALLICK

APPELLANT(S)

VERSUS

THE CALCUTTA PORT TRUST AND ORS

RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

Vide order dated 20.08.2013, the High Court considered the claim of the land-losers for employment in terms of the policy of the respondents dated 12.05.1986 and directed the respondents to consider the appointment of the appellant to a suitable post within three months. Subsequently by impugned order dated 20.02.2014 the said direction has been modified deleting the time period of three months.

It is submitted by the learned counsel for the appellant that the appellant cannot be altogether deprived of consideration for employment in terms of order dated 20.08.2013 on the ground that there is a ban against the recruitment or that there cannot be time limit for consideration in view of the judgment of this Court's order dated 06.05.2010 in Civil Appeal No.4254 of 2010 (Calcutta Port Trust & Another Vs. Haripadi Khajli & Others).

Learned counsel for the respondents relied upon the judgment of this court dated 06.05.2010 (supra) and the circular of the Central Government dated 11.08.2015 imposing a ban on filling up the vacancies of Class IV posts.

We are of the view that the circular imposing ban dated 11.08.2015 does not cover the land-losers. Though the judgment of this Court states that a specified time limit could not be fixed, the period to be taken for consideration in terms of policy cannot be unlimited. In the present case, the claim of the appellants is pending since 2001 and after such a long period specifying reasonable time for consideration does not conflict with the judgment of this Court.

Accordingly, we direct that the pending claim of the appellant be finalized within a period of one year from today in accordance with order dated 20.08.2013 passed by the High Court.

The appeal is disposed of accordingly.

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

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

NEW DELHI
MARCH 24, 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 S

Petition(s) for Special Leave to Appeal (C) No(s). 24981/2014

(Arising out of impugned final judgment and order dated 24/02/2014 in MAT No. 1686/2013 passed by the High Court Of Calcutta)

SIDARTHHA MALLICK

Petitioner(s)

VERSUS

THE CALCUTTA PORT TRUST AND ORS
(with interim relief and office report)

Respondent(s)

Date : 24/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Piyush K. Roy, Adv..
Ms. Kakali Roy, Adv.
Mr. Rajan K. Chourasia, Adv.

For Respondent(s) Mr. Parag P. Tripathi, Sr. Adv.
Mr. A.V. Ramgam, AOR
Mr. Buddy A. Ranganadhan, Adv.

Mr. Chanchal Kumar Ganguli, Adv.
Ms. Narmada, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

(SONALI SAUND)
SR.P.A

(signed order is placed on the file)

(VEENA KHERA)
COURT MASTER