

ITEM NOS.301 + 302 + 303 Court 7 (Video Conferencing) SECTION PIL-W

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

ITEM NO.301:

Miscellaneous Application No(s).1791/2020 in W.P.(C) No.279/2017

(Arising out of impugned final judgment and order dated 13-11-2019 in W.P.(C) No.279/2017 passed by the Supreme Court Of India)

KUDRAT SANDHU

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(IA No.97437/2020-INTERVENTION/IMPLEADMENT and IA No.97438/2020-CLARIFICATION/DIRECTION and IA No.97439/2020-APPLICATION FOR PERMISSION)

WITH

MA 2234/2020 in W.P.(C) No. 279/2017 (PIL-W)
(IA No. 128555/2020 - CLARIFICATION/DIRECTION
IA No. 128560/2020 - EXEMPTION FROM FILING AFFIDAVIT)

MA 1792/2020 in W.P.(C) No. 279/2017 (PIL-W)
(IA No.97443/2020-INTERVENTION/IMPLEADMENT and IA No.97444/2020-APPROPRIATE ORDERS/DIRECTIONS and IA No.97445/2020-PERMISSION TO FILE APPLICATION FOR DIRECTION)

WITH

ITEM NO.302:

Miscellaneous Application No(s).2252/2020 in W.P.(C) No.640/2017

AND

ITEM NO.303:

Miscellaneous Application No.2219/2020 in W.P.(C)No.1431/2019

Date : 04-01-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

Item No.301

For Petitioner(s) Mr. Vikas Singh, Sr. Adv.
Mr. Manjul Bajpai, Adv

Mr. Tushar Singh, AOR
 Ms. Pankhuri, Adv
 Ms. Deepeika Kalia, Adv
 Mr. Kapish Seth, Adv
 Mr. Mrityunjai Singh, Adv
 Mr. Parthasarathy Bose, Adv
 Mr. Mohd. Arif, Adv
 Mr. Akhilesh Yadav, Adv

Mr. Manish Raghav, Adv
 Mr. Anuj Chauhan, Adv
 Mr. Rohit Gaur, Adv
 Mr. Vivek Sharma, Adv
 Ms. Rachana Sharma, Adv
 Mr. Vivek Sharma, AOR

For Respondent(s) Mr. K.K.Venugopal, Ld.AG
 Mr. S.V.Raju, Ld.ASG
 Mr. Zoheb Hossain, Adv.
 Ms. Chinmayee Chandra, Adv.
 Ms. Shraddha Deshmukh, Adv.
 Mr. Manan Popli, Adv.
 Mr. A.K.Sharma, AOR

Item 302

For Petitioner(s) Mr. C.A. Sundaram, Sr. Adv.
 Ms. Priya Hingorani, Sr. Adv.
 Mr. A.K. Behera, Adv.
 Mr. V. K. Verma, AOR

For Respondent(s) Mr. K.K.Venugopal, Ld.AG
 Mr. Balbir Singh, Ld.ASG
 Mr. R.Bala, Sr.Adv.
 Mr. Zoheb Hossain, Adv.
 Ms. Chinmayee Chandra, Adv.
 Ms. Shraddha Deshmukh, Adv.
 Mr. Shyam gopal, Adv.
 Mr. A.K.Sharma, AOR.
 Mr. B.K.Prasad, AOR.

Item No.303

For Petitioner(s) Mr. Amarjit Singh Chandhiok, Sr. Adv
 Mr. Sidharth Luthra, Sr. Adv
 Mr. Hemant Singh, Adv.
 Ms. Mamta R. Jha, Adv.
 Mr. Waseem Shuaib Ahmed, Adv.
 Mr. Sambhav Jain, Adv.
 Mr. Mohit D. Ram, AOR

For Respondent(s) Mr. K.K.Venugopal, Ld AG

Mr. Balbir Singh, Ld ASG
Mr. R Balasubramaniam, Sr Adv
Ms. Shraddha Deshmukh Adv
Ms. Chinmayee Chandra Adv,
Mrs. Anil Katiyar, AOR

For Applicant(s) Mr. J.Sai Deepak. Adv
Mr. Guruswamy Nataraj, Adv
Ms. Pooja Dhar, Adv
Mr. V.Shyamohan, Adv
Mr. Surya Prakash, Adv
For M/S KMNP LAW AOR

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

MA 2234/2020 in W.P.(C) No.279/2017:

This application is filed for a direction to extend the tenure of the Chairman of Telecom Disputes Settlement and Appellate Tribunal (TDSAT) which is coming to an end on 31.01.2021 for a period of one year or till fresh appointment is made.

The Telecom Disputes Appellate Tribunal has ceased to function with the tenure of a Chairperson having come to an end on 31.12.2020. Two members functioning as Chairperson have retired. The search cum Selection Committee has made recommendations for appointment of the members. The learned Attorney General submits that their appointments shall be expedited. We have taken a conscious decision not to extend term of any Member of the Tribunal after the judgment dated 27.11.2020. However, in the peculiar facts and circumstances of this case, we extend the

tenure of Chairperson of Telecom Disputes Appellate Tribunal for a period of three months or till the new Chairperson is appointed.

Misc. Application as well as Interlocutory application stands disposed of, accordingly.

M.A.No.1791/2020 in W.P.(C) No.279/2017 and
M.A.No.1792/2020 in W.P.(C) No.279/2017

Learned counsel for the petitioner seeks and is granted permission to withdraw these applications

Misc. Applications are, accordingly, dismissed as withdrawn.

MA 2252/2020 in W.P.(C) No.640/2017:

Pursuant to an advertisement issued for appointment to the post of Judicial Members and Administrative Members to the Central Administrative Tribunal in 2018, selections have been completed and recommendations have been made in respect of three advocates and one Indian Legal Service officer. Appointments could not be made in view of the pendency of the writ petition in this court.

This application has been filed by the Central Administrative Tribunal (Bar Association) seeking a direction to the respondents to appoint the four candidates whose names have been recommended by the Search cum selection Committee as Judicial Members.

The learned Attorney General submits that the persons who have been recommended for appointment to the post of judicial members (Appellate Tribunal) shall be appointed in accordance with the 2020 Rules subject to the modification suggested by this court in its judgment dated 27.11.2020.

We are in agreement with the submissions made by the learned Attorney General. This application is disposed of with a direction to the respondents to expedite the appointment to the four posts of Judicial members in the Central Administrative Tribunal with those persons whose names have been recommended by the Search cum Selection Committee in accordance with 2020 Rules subject to the modifications made by this Court in its Judgment dated 27.11.2020.

Misc. Application as well as Interlocutory application stands disposed of, accordingly.

(B.Parvathi)
Court Master

(Beena Jolly)
Court Master