

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 36495/2017

(Arising out of impugned final judgment and order dated 04-01-2017 in WP No. 6714/2015 passed by the High Court Of Judicature At Madras)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

T. MUNUSWAMY

Respondent(s)

(WITH IA No.132764/2017-CONDONATION OF DELAY IN FILING)

Date : 15-12-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Ms. V. Mohana, Sr. Adv.
Mr. Sanjay Kr. Tyagi, Adv.
Ms. Swati Ghildiyal, Adv.
Mr. Dinesh Kumar, Adv.
Mrs. Anil Katiyar, AOR

For Respondent(s)

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

Delay condoned.

The High Court directed the petitioners to reinstate the respondent with all consequential benefits. Apparently, the High Court has lost sight of one fact that the respondent was dismissed in the year 2009. The direction of the Tribunal was only to impose any punishment other than dismissal from service.

In that circumstances, whether it was appropriate for the High Court to reinstate the respondents with all consequential benefits is not seen discussed by the High Court. There is also lack of clarity with regard to further promotions. Whether the respondent would be entitled to promotion even if he does not

possess the qualification is also a matter to be clarified. We are of the view, that the petitioners should be given an opportunity to go back to the High Court seeking appropriate clarification of this aspect.

Without prejudice to the contentions available to the parties, the special leave petition is disposed of making it further clear that in case the review petition is filed on these aspects, within a period of thirty days from today, the same may not be dismissed on the ground of delay.

We make it clear that we have not otherwise gone into the merits of the matter.

Pending application(s), if any, shall stand disposed of.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASST. REGISTRAR