

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 14425 /2024
Special Leave Petition (C) No.30160/2024
(@ Diary No(s).1631/2021)**

ASHA RATHORE AND ORS.

APPELLANTS

VERSUS

TRIBAL WELFARE DEPARTMENT AND ORS.

RESPONDENTS

WITH

**CIVIL APPEAL NO.14432/2024 @ SLP (C) No.15882/2020
CIVIL APPEAL NO.14433/2024 @ SLP (C) No.15930/2020
CIVIL APPEAL NO.14434/2024 @ SLP (C) No.15932/2020
CIVIL APPEAL NO.14435/2024 @ SLP (C) No.15933/2020
CIVIL APPEAL NO.14436/2024 @ SLP (C) No.15934/2020
CIVIL APPEAL NO.14437/2024 @ SLP (C) No.15935/2020
CIVIL APPEAL NO.14438/2024 @ SLP (C) No.15937/2020
CIVIL APPEAL NO.14439/2024 @ SLP (C) No.15938/2020
CIVIL APPEAL NO.14440/2024 @ SLP (C) No.15940/2020
CIVIL APPEAL NO.14441/2024 @ SLP (C) No.15941/2020
CIVIL APPEAL NO.14442/2024 @ SLP (C) No.715/2021
CIVIL APPEAL NO.14443/2024 @ SLP (C) No.15944/2020
CIVIL APPEAL NO.14444/2024 @ SLP (C) No.15945/2020
CIVIL APPEAL NO.14445/2024 @ SLP (C) No.15946/2020
CIVIL APPEAL NO.14446/2024 @ SLP (C) No.15948/2020**

O R D E R

**CIVIL APPEAL NO. 14425 /2024 @ of Special Leave Petition (C)
No.30160/2024 @ Diary No(s).1631/2021**

1. Delay condoned.
2. Leave granted.
3. Writ Petition No.7280/2018 was instituted before the High Court by Asha Rathore and others. The said writ petition was considered together with multiple other writ petitions on 01st October, 2018 by a learned Judge.

4. The judgment dated 01st October, 2018 records in the first paragraph that all the writ petitions were being disposed of by a common order in view of similar controversy being involved therein.

5. Certain directions were issued which left the petitioners - Asha Rathore and the others - aggrieved. The order dated 01st October, 2018, was carried in an intra-court appeal by the aggrieved Asha Rathore and others, being Writ Appeal No.133 of 2019.

6. The said writ appeal was also considered along with multiple other writ appeals and by a common judgment and order dated 02nd August, 2019, the Division Bench declined to admit the writ appeals.

7. In course of hearing this civil appeal together with other appeals which are on board today, we have found stark dissimilarities in the facts pleaded in the writ petitions. While some of the appellants had put in more than ten years of service, either as a daily wager or on casual basis or as a temporary employee, the others had not completed ten years as on date the decision of the Constitution Bench in **Secretary, State of Karnataka v. Umadevi** (3)¹, was delivered.

8. At least, from the records available before this Court, we find that there was a list dated 01st June, 2009 drawn up by the respondent-State of Madhya Pradesh in accordance with the directions contained in paragraph 53 of **Uma Devi** (supra) wherein Asha Rathore and some of the other petitioners figured as eligible "having put in more than ten years of service".

9. In such circumstances, we are of the considered opinion that Writ Petition

¹ (2006) 4 SCC 1

No.7280/2018 at least deserve to be heard afresh. With that in view, we set aside the orders of the Single Judge and the Division Bench and remand Writ Petition No.7280/2018 for fresh consideration by the Single Judge of the High Court. The civil appeal stands allowed.

10. Having regard to the lapse of time, we would request the roster Bench to decide the writ petition as early as possible.

11. If on the date of consideration, as directed above, it is found that any of the petitioners has attained the age of superannuation and retired from service, the High Court may consider the desirability of examining whether they are entitled to any unpaid financial benefits as well as retiral benefits.

12. There is an impleadment application, being I.A. No.237570/2023. We do not propose to implead the applicants as parties to this special leave petition. In view of the order passed remanding Writ Petition No.7280/2018 for fresh hearing and decision by the High Court, the applicants may apply before the High Court for impleadment, if so advised. If an application is made, the High Court shall proceed to decide the same in accordance with law.

13. The application stands disposed of accordingly.

Civil Appeal No.14432/2024 @ SLP (C) No.15882/2020, Civil Appeal No.14433/2024 @ SLP (C) No.15930/2020, Civil Appeal No.14434/2024 @ SLP (C) No.15932/2020, Civil Appeal No.14435/2024 @ SLP (C) No.15933/2020, Civil Appeal No.14436/2024 @ SLP (C) No.15934/2020, Civil Appeal No.14437/2024 @ SLP (C) No.15935/2020, Civil Appeal No.14438/2024 @ SLP (C) No.15937/2020, Civil Appeal No.14439/2024 @ SLP (C) No.15938/2020, Civil Appeal No.14440/2024 @ SLP (C) No.15940/2020, Civil Appeal No.14441/2024 @ SLP (C) No.15941/2020, Civil Appeal No.14442/2024 @ SLP (C) No.715/2021, Civil Appeal No.14443/2024 @ SLP (C) No.15944/2020, Civil Appeal No.14444/2024 @ SLP (C) No.15945/2020, Civil Appeal No.14445/2024 @ SLP (C) No.15946/2020 and Civil Appeal No.14446/2024 @ SLP (C)

No.15948/2020

14. Leave granted.

15. All these appeals stand disposed of in terms of the directions passed in Civil Appeal No.14425/2024 @ Special Leave Petition (C) No.30160/2024 @ of Special Leave Petition (C) Diary No.1631/2021.

.....J.
(DIPANKAR DATTA)

.....J.
(SANJAY KAROL)

**New Delhi;
December 04, 2024.**

ITEM NO.10

COURT NO.16

SECTION IV-C

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

Petition(s) for Special Leave to Appeal (C) No.15588/2020

[Arising out of impugned final judgment and order dated 02-08-2019 in WA No.122/2019 passed by the High Court of Madhya Pradesh at Indore]

NANABHAU PATIL

Petitioner

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

Respondents

(with I.A. No.95016/2020-EXEMPTION FROM FILING O.T.)

WITH

SLP(C) No.15881/2020 (IV-C)

(with I.A. No.100833/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No.100831/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No.15882/2020 (IV-C)

(with I.A. No.94267/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No. 94265/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No.15930/2020 (IV-C)

(with I.A. No.97607/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No.97605/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No.15931/2020 (IV-C)

(with I.A. No.95516/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No.95515/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No.15932/2020 (IV-C)

(with I.A. No.97744/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No.97743/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No.15933/2020 (IV-C)

(with I.A. No.98651/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No.98647/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No.15934/2020 (IV-C)

(with I.A. No.96043/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT and I.A. No.96042/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No.15935/2020 (IV-C)

(with I.A. No.96302/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No.96301/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No.15937/2020 (IV-C)

(with I.A. No.96858/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No.96857/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No.15938/2020 (IV-C)

(with I.A. No.95798/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No.95799/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No.15939/2020 (IV-C)

(with I.A. No.100961/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No. 100960/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No.15940/2020 (IV-C)

(with I.A. No.96029/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No.96028/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No.15941/2020 (IV-C)

(with I.A. No.98427/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No.98426/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No.715/2021 (IV-C)

SLP(C) No.15944/2020 (IV-C)

(with I.A. No.96947/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No.96950/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No.15943/2020 (IV-C)

(with I.A. No.88774/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No.88769/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No.15945/2020 (IV-C)

(with I.A. No.95586/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No.95590/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No.15946/2020 (IV-C)

(with I.A. No.96595/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No.96594/2020-EXEMPTION FROM FILING O.T.)

SLP(C) No. 15948/2020 (IV-C)

(with I.A. No.101362/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No. 101361/2020-EXEMPTION FROM FILING O.T.)

Diary No(s).1631/2021 (IV-C)

(With I.A. No.13348/2022-CONDONATION OF DELAY IN FILING, I.A. No.241821/2023-EXEMPTION FROM FILING O.T., I.A. No.230199/2023-EXEMPTION FROM FILING O.T., I.A. No.13349/2022-EXEMPTION FROM FILING O.T., I.A. No.237570/2023-INTERVENTION/IMPLEADMENT and I.A. No. 230194/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 04-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Dwarka Sawale, Adv.
Mr. Krishna Kumar Singh, AOR

Mr. Subhash Samvatsar, Sr. Adv.
Mr. Sumeet Samvatsar, Adv.
Mr. Rahul Sethi, Adv.
Mr. Kaustubh Fadnis, Adv.
Mr. Nitin Tambwekar, Adv.
Mr. Seshatalpa Sai Bandaru, AOR

For Respondent(s) Mr. Nachiketa Joshi, A.A.G./ Sr. Adv.
Mr. Sarthak Raizada, Adv.
Mr. Pashupathi Nath Razdan, AOR
Mr. Nirmal Ambastha, Adv.
Mr. Nirmal Kumar Ambastha, Adv.

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

Special Leave Petition (C) No.15588/2020

1. The petitioner was appointed as a daily wager in the year 1999. He lodged a claim in 2012 for grant of scale of pay in view of the decision passed by the High Court in "Kailash Chandra Talware V. State of Madhya Pradesh". The High Court directed consideration of the case of the petitioner.

2. In 2017, the Government passed an order withdrawing the benefit of pay scale to the petitioner which was earlier granted and directed recovery of payment made in excess of his entitlement.
3. Such order was under challenge by the petitioner in the writ petition out of which this special leave petition arises. Single Judge as well as the Division Bench of the High Court has dismissed the writ petition and the appeal.
4. As on 10th April, 2006, when the Constitution Bench of this Court delivered its decision in **Secretary, State of Karnataka v. Umadevi** (3)², the petitioner had not completed 10 years of service and, hence, his name did not figure in the list of eligible candidates which was prepared by the respondents in terms of paragraph 53 of such decision.
5. We are not inclined to entertain this special leave petition; hence, the same is dismissed.
6. Pending application(s), if any, shall stand disposed of.

Special Leave Petition (C) No.15881/2020 & Special Leave Petition (C) No.15939/2020

7. These special leave petitions are dismissed in terms of the order passed in Special Leave Petition No.15588/2020.
8. Pending application(s), if any, shall stand disposed of.

Special Leave Petition (C) Diary No(s).1631/2021

9. Delay condoned.
10. Leave granted.

² (2006) 4 SCC 1

11. The appeal is allowed in terms of the signed order.
12. There is an impleadment application, being I.A. No.237570/2023. We do not propose to implead the applicants as parties to this special leave petition. In view of the order passed remanding Writ Petition No.7280/2018 for fresh hearing and decision by the High Court, the applicants may apply before the High Court for impleadment, if so advised. If an application is made, the High Court shall proceed to decide the same in accordance with law.
13. The application stands disposed of accordingly.
14. Pending application(s), if any, shall stand disposed of.

Civil Appeal No.14432/2024 @ SLP (C) No.15882/2020, Civil Appeal No.14433/2024 @ SLP (C) No.15930/2020, Civil Appeal No.14434/2024 @ SLP (C) No.15932/2020, Civil Appeal No.14435/2024 @ SLP (C) No.15933/2020, Civil Appeal No.14436/2024 @ SLP (C) No.15934/2020, Civil Appeal No.14437/2024 @ SLP (C) No.15935/2020, Civil Appeal No.14438/2024 @ SLP (C) No.15937/2020, Civil Appeal No.14439/2024 @ SLP (C) No.15938/2020, Civil Appeal No.14440/2024 @ SLP (C) No.15940/2020, Civil Appeal No.14441/2024 @ SLP (C) No.15941/2020, Civil Appeal No.14442/2024 @ SLP (C) No.715/2021, Civil Appeal No.14443/2024 @ SLP (C) No.15944/2020, Civil Appeal No.14444/2024 @ SLP (C) No.15945/2020, Civil Appeal No.14445/2024 @ SLP (C) No.15946/2020 and Civil Appeal No.14446/2024 @ SLP (C) No.15948/2020

15. Leave granted.
16. All these appeals stand disposed of in terms of the directions passed in Special Leave Petition (C) Diary No.1631/2021.
17. Pending application(s), if any, shall stand disposed of.

Special Leave Petition (C) No.15931/2020

18. The special leave petition is by one Gajanand, who claims to be the son of Meghraj Kumrawat. He seeks to rely on an order of appointment dated 14th September, 1995 issued in favour of one Gajendra Kumrawat, son of Shobaram

Yadav.

19. We are more than sure that the petitioner has sought to obtain the benefit of grant of scale of pay, premised on an order of appointment issued in favour of a third party.

20. There is no reason to interfere with the impugned judgment and order of High Court; hence, the special leave petition is dismissed.

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

Special Leave Petition (C) No.15943/2020

22. The appointment order of the petitioner stated to have been issued on 28th January, 1993, though referred to in the special leave petition as Annexure P2, is not on record.

23. The petitioner is granted liberty to place such order by filing an additional affidavit within seven days.

24. Re-list the special leave petition after two weeks.

(RASHMI DHYANI PANT)
COURT MASTER (SH)

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)

(signed order is placed on the file)