

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

CONMT.PET.(C) No. 718/2020 in C.A. No. 9247/2019

SUNIL KUMAR

Petitioner(s)

VERSUS

NITESH KUMAR JHA, IAS, SECRETARY, & ORS.

Respondent(s)

(IA No. 56533/2021 - APPLICATION FOR PERMISSION
IA No. 79429/2021 - APPLICATION FOR PERMISSION
IA No. 51974/2021 - EXEMPTION FROM FILING O.T.
IA No. 120769/2020 - EXEMPTION FROM FILING O.T.
IA No. 79430/2021 - EXEMPTION FROM FILING O.T.
IA No. 56534/2021 - EXEMPTION FROM FILING O.T.)

WITH

MA 516/2020 in C.A. No. 9247/2019 (X)

(FOR ADMISSION and IA No.197461/2019-CLARIFICATION/DIRECTION
IA No. 197461/2019 - CLARIFICATION/DIRECTION)

MA 517/2020 in C.A. No. 9248/2019 (X)

(FOR CLARIFICATION/DIRECTION ON IA 3760/2020
IA No. 3760/2020 - CLARIFICATION/DIRECTION)

Date : 12-01-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Nidhesh Gupta, Sr. Adv.
Mr. Brijendra Singh, Adv.
Mr. Shishir Kumar Saxena, Adv.
Mr. R.N.Pareek, Adv.
Mr. Jagdamba Prasad, Adv.
Ms. Meera Hasan, Adv.
Mr. Praveen Swarup, AOR

Ms. Rashmi Nandakumar, AOR

Dr. Rajiv Dhavan, Sr. Adv.
Mr. Kumar Parimal, Adv.
Mr. Smarhar Singh, AOR

For Respondent(s) Mr. Tushar Mehta, SGI
Ms. Ruchira Gupta, DAG
Ms. Vanshaja Shukla, AOR

Mr. P.S. Patwalia, Sr. Adv.
Ms. Ruchira Gupta, Adv.
Mr. Divyam Agarwal, AOR
Ms. Akansha Sisodiya, Adv.

Mr. Vinay Arora, AOR

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

By a judgment dated 6.12.2019, this Court set aside the final seniority list dated 28th November, 2014 of junior engineers as well as the order passed by the High Court on 11th July, 2018. The respondent no. 5 was directed to recast seniority of candidates in the order of merit by assigning their seniority as per the roster points given in Circular dated 31st August, 2001. This contempt petition is filed complaining of non-compliance of the said direction given by this Court. The compliance affidavits filed by the State disclose that seniority was prepared on the basis of merit and not on the date of appointment but the roster points were not taken into account for the purpose of fixing any seniority as directed by this Court.

After hearing Mr. Nidhesh Gupta, learned senior counsel for the petitioner Mr. P.S. Patwalia, learned senior counsel for the State, we direct the State Government to prepare the seniority list of junior engineers as directed by this Court in its judgment dated 06.12.2019 and file the compliance report, within a period of four weeks from today.

I. A. No. 197461/2019 and I.A. No. 3760/2020 are dismissed in terms of signed order.

M.A. Nos. 516/2020 and 517/2020 stand disposed of.

However, the applicants are at liberty to pursue all remedies available to them under the law.

List Cont.Pet.(C) No. 718/2020 after four weeks.

(RAJNI MUKHI)
COURT MASTER (SH)

(RAJ RANI NEGI)
DY. REGISTRAR

(Signed order in r/o M.A Nos. 516/2020 and 517/2020 is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 516 OF 2020
(IA No.197461/2019 FOR CLARIFICATION/DIRECTION)
IN
CIVIL APPEAL NO. 9247 OF 2019

DHARMENDRA PRASAD & ORS.APPLICANTS/APPELLANTS

VERSUS

SUNIL KUMAR & ORS.RESPONDENTS

AND

MISCELLANEOUS APPLICATION NO. 517 OF 2020
(IA No.3760/2020 FOR CLARIFICATION/DIRECTION)
IN
CIVIL APPEAL NO. 9248 OF 2019

O R D E R

I. A. No. 197461/2019 and I.A. No. 3760/2020 have been filed for clarification/Direction. As the review petition has been dismissed, we are not inclined to entertain these applications. I.A. No. 197461/2019 and I.A. No. 3760/2020 are dismissed.

However, the applicants are at liberty to pursue all remedies available to them under the law.

M.A. Nos. 516/2020 and 517/2020 stand disposed of.

.....J.
[L. NAGESWARA RAO]

.....J.
[B.R. GAVAI]

NEW DELHI
JANUARY 12, 2022