

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 311 OF 2020
[@ SPECIAL LEAVE PETITION (C) NO. 5710 OF 2018]

ANIL MOHANLAL PODDAR Appellant(s)

VERSUS

SENIOR DIVISIONAL MANAGER & ANR. Respondent(s)

O R D E R

The facts of the case indicate that the appellant succeeded in the writ application, the order having been confirmed by the Division Bench way-back in the year 2003, the order of reversion passed on 09.07.1991 was set aside. Still, the appellant was successfully deprived of the fruits of the litigation, which ought to have been given to him at the relevant time.

The appellant was appointed as Micro Processor Operator in the year 1986. Later on, he was appointed as Apprentice Development Officer vide order dated 09.08.1990 and pursuant to that, the appellant joined on 11.08.1990. He was reverted after having served for 11 months to the post of Micro Processor Operator, vide order dated 02.07.1991. The appellant successfully impugned this order by way of filing a writ petition, being Special Civil Application No. 4520 of 1991. The same was

allowed on 20.04.2001. The order of reversion was quashed. The following is the operative portion of the order :-

"9. This petition is therefore allowed and the impugned order dated 2/7/1991 at Annexure "F" is quashed and set aside. The respondent corporation is directed to grant all consequential benefits to the petitioner including promotional/posting as if the impugned order dated 2/7/1991 had never been passed. Rule made absolute to the aforesaid extent with no order as to costs."

There was a clear direction to give consequential benefits to the appellant including that of the promotional post as if impugned order had never been passed. The order came to be questioned by way of filing an LPA No. 1491 of 2001 before the Division Bench of the High Court of Gujarat at Ahmedabad. The same was dismissed on 04.08.2003. The order passed by the learned Single Judge attained finality. Misc. Application was filed for modification of the order in Special Civil Application No. 4520 of 1991. It

was decided vide order dated 18.11.2010 and the learned Single Judge clarified the order to the following effect :

"The aforesaid sentence in paragraph No. 9 of the judgment dated 20.4.2001 shall read as under :

"Respondent Corporation is directed to grant all consequential benefits to the petitioner including promotional/posting, subject to fulfilling the requisite norms stipulated by relevant rules, regulations and instructions etc. as if the impugned order dated 2.7.1991 had never been passed. Rule made absolute with no order as to costs."

It is clear from the order mentioned above that consequential benefits including promotion and posting were ordered to be given, subject to fulfilling the requisite norms stipulated by the relevant rules and regulations. However, the other part of the order with respect to quashing of the reversion order and consequential benefit to be given was not modified in any manner whatsoever. Acting upon this order of clarification dated 18.11.2010 passed in the aforesaid misc. application, grave injustice was done to the appellant while passing the order dated 19.02.2011. He was posted as Development

Officer with effect from 21.02.2011, whereas he ought to have been posted in that capacity with effect from 09.07.1991. As the order of reversion was quashed, the appellant was to be treated as Development Officer pursuant to the order of appointment passed in the year 1990.

Later on, the appellant was offered a post of Probationer Development Officer with effect from 01.04.2011 vide order dated 28.03.2011. It was based upon treating the appellant as Apprentice Development Officer with effect from 19.02.2011. The order was questioned by the appellant by way of filing a Special Civil Application No. 9680 of 2011. The same came to be dismissed vide order dated 31.08.2016. The order was affirmed in the Letter Patent Appeal, being LPA No. 548 of 2017 vide Judgment and Order dated 14.11.2017. Hence, the present appeal has been filed.

After hearing heard the learned counsel for the parties, we are of the considered opinion that once the order of reversion dated 02.07.1991 was quashed, the appellant ought to have been given the post of Development Officer on completion of Apprenticeship period and he ought to have been treated as Development Officer and further consequential

benefits ought to have been given to him as per the order passed in the year 2001 in the writ petition which attained finality. The order of clarification did not take away the rights of the appellant. It was a misconceived venture attempted by respondents to deprive fruits of the order passed in 2001. He was also entitled to consequential benefits and further as per the Rules, his case was required to be considered for a higher post. The clarification of the order did not dilute and even otherwise, it has to be treated as not coming in the way of the appellant as the order which was passed earlier in the writ petition in 2001 was affirmed in Letters Patent Appeal No. 1491 of 2001 vide order dated 04.08.2003 had attained finality. He was entitled to be given consequential benefits treating him as Development Officer with effect from 1991 and other benefits of promotional avenues were also required to be given, as provided in the Rules w.e.f. the dates when they were given to his juniors. Let all benefits be extended to him. The appellant would be entitled for consequential monetary benefits also the difference of salary is required to be paid to him with interest @ 7% per annum. Let consequential orders be passed and dues be finalised and be paid to

him within three months from today. The appeal is allowed. No costs.

.....J.
[ARUN MISHRA]

.....J.
[VINEET SARAN]

.....J.
[S. RAVINDRA BHAT]

New Delhi;
January 15, 2020.

ITEM NO.5

COURT NO.3

SECTION III

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 for Special Leave to Appeal (C) No. 5710 of 2018
(Arising out of the impugned final Judgment and Order dated 14.11.2017 passed by the High Court of Gujarat at Ahmedabad in Letters Patent Appeal No. 548 of 2017 in Special Civil Application No. 9680 of 2011)

ANIL MOHANLAL PODDAR

Appellant(s)

VERSUS

SENIOR DIVISIONAL MANAGER & ANR.

Respondent(s)

Date : 15-01-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Appellant(s) Mr. Parthiv K. Goswami, Adv.
Ms. Devanshi Singh, Adv.
Ms. Diksha Rai, AOR
Ms. Palak Mahajan, Adv.
Mr. Ishan Bisht, Adv.
Ms. Ragini Pandey, Adv.

For Respondent(s) Mr. Guru Krishna Kumar, Sr. Adv.
Mr. R. Chandrachud, AOR
Mr. Karan Sharma, Adv.
Mr. Nitin Thukral, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed
of.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

(Signed order is placed on the file)