

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(s).10284-10285/2017

(Arising out of impugned final judgment and orders dated 11-04-2016 in WP No. 2222/2016 and dated 23-09-2016 in RP No. 18198/2016 in WP No. 2222/2016 passed by the High Court Of Judicature at Bombay, Bench at Nagpur)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

SHALINI CHUDAMAN

Respondent(s)

Date : 26-02-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s)

Mr. Nachiketa Joshi, Adv.
Mr. Annirudh Sharma Ii, Adv.
Mr. Adit Khorana, Adv.
Mr. B.K.Satija, Adv.
Ms. Sonali Jain, Adv.
Mr. Gurmeet Singh Makker, AOR

For Respondent(s)

Ms. Kashmira Lambat, Adv.
Mr. Kishor Lambat, Adv.
Ms. Suja Joshi, Adv.
Ms. Prem S.Mankani, Adv.
Mr. Abhinav Deshwal, Adv.
Mr. Yuvraj Nangia, Adv.
For M/S. Lambat And Associates, AOR

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

Heard the learned counsel appearing for the parties.

The order passed by the Central Administrative
Tribunal (for short "Tribunal") on 9th April, 2015 reads
thus:

"10. We have perused the DOPT orders. On perusal of various judgments of the competent courts of law, it is evident that the appointments and/or the admissions were not affected if the same had become final before 28.11.2000.

11. We, therefore, direct the respondents to ascertain whether the appointment of the applicant could be treated as final appointment before 28th November, 2000 within four weeks from the date of the receipt of the order. If it is in the affirmative, the respondents shall pass necessary orders in respect of the services of the applicant within four weeks thereafter. In that event, it is made clear, that the applicant shall not claim any benefit of Scheduled Tribe after 28.11.2000. her status will be considered as belonging to General category."

The High Court has dismissed the Writ Petition challenging the said order. The only direction issued by the Tribunal to the petitioners is to ascertain whether the appointment of the respondent can be treated as a final appointment before 28th November, 2000. If it can be treated as a permanent appointment before the said date, the necessary orders in respect of the employment of the respondent will have to be passed. The Tribunal was careful enough to mention that the respondent shall not claim benefit of Scheduled Tribe after 28th November, 2000.

We find no error in the direction issued to consider whether the appointment of the respondent can be treated as a final appointment before 28th November, 2000.

We, therefore, dismiss the Special Leave Petitions.

However, time of two months is granted to the petitioners to comply with the direction of the Tribunal.

Pending application, if any, stands disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER