

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10513 OF 2016

MONU TOMAR

...APPELLANT (s)

VERSUS

UNION OF INDIA & ORS.

...RESPONDENT (s)

WITH

C.A. No. 292/2017

SLP(C) No. 2154/2017

S.L.P. (C) ...CC No. 1884/2017

C.A. No. 3857/2017

C.A. No. 3858/2017

SLP(C) No. 8299/2017

S.L.P. (C)CC No. 5702/2017

S.L.P. (C)CC No. 5439/2017

SLP(C) No. 8642-8645/2017

C.A. No. 10515-10555/2016

C.A. No. 10657/2016

C.A. No. 10514/2016

C.A. No. 10642-10656/2016

C.A. No. 10556-10641/2016

SLP(C) No. 36090/2016

C.A. No. 12319/2016

C.A. No. 385-391/2017

C.A. No. 293-296/2017

O R D E R

Permission to file SLP granted.

Delay condoned.

We have heard learned counsel for the appellants/petitioners and we have also heard learned Additional Solicitor General who has been instructed by officers of the concerned Department.

We have also perused the report of the Vigilance Committee set up by the Department.

We find from a perusal of the report of the Vigilance Committee that the entire examination was not necessarily vitiated but some persons who are suspected of having used malpractices in the examination of Postal Assistant/Sorting Assistant in five circles, viz., Uttarakhand, Rajasthan, Chhattisgarh, Haryana and Gujarat have actually been identified. The respondents will proceed against them in accordance with law but since they are quite a few in number, a formal show cause notice is dispensed with. However, they may be personally called and explained the allegations against them and given some reasonable time of about a week or ten days to give their reply to the allegations and then a final decision may be taken.

Those persons who are not suspected of having committed any malpractices and who have undergone the prescribed courses may be reinstated with all

consequential benefits and 50% back wages with liberty to the respondents to take action against them in case subsequently it is found in the investigation that they have indulged in some malpractices.

We make it clear that the respondents are at liberty to take action against those persons who have violated the terms of the examination such as having appeared in more than one centre. Such violations will also be treated as malpractice.

We further make it clear that this order will not enure to the benefit of those persons who have not been given appointment letters. However, we also make it clear that those candidates who have not completed the course but were in the process of completing the course until the impugned action was taken may be permitted to complete the course/training provided they are not suspected of any malpractice.

The appeals and special leave petitions stand disposed of.

Pending applications are also disposed of.

.....J.
(MADAN B. LOKUR)

.....J.
(DEEPAK GUPTA)

ITEM NO.111

COURT NO.5

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

Civil Appeal No(s).10513/2016

MONU TOMAR

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for impleadment)

WITH

C.A. No. 292/2017 (XIV)
SLP(C) No. 2154/2017 (XIV)
S.L.P.(C)...CC No. 1884/2017 (XIV)
C.A. No. 3857/2017 (III)
C.A. No. 3858/2017 (III)
SLP(C) No. 8299/2017 (XV)
S.L.P.(C)...CC No. 5702/2017 (XIV)
S.L.P.(C)...CC No. 5439/2017 (XIV)
SLP(C) No. 8642-8645/2017 (XV)
C.A. No. 10515-10555/2016 (III)
C.A. No. 10657/2016 (III)
C.A. No. 10514/2016 (III)
C.A. No. 10642-10656/2016 (III)
C.A. No. 10556-10641/2016 (III)
SLP(C) No. 36090/2016 (III)
C.A. No. 12319/2016 (III)
C.A. No. 385-391/2017 (X)
C.A. No. 293-296/2017 (XIV)

Date : 13-07-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Appellant(s) Mr. Mukul Rohatgi, Sr. Adv.
Ms. Ranjeeta Rohatgi, Adv.
Ms. Praghya Baghel, AOR
Samtan Doma, Adv.

Mr. Ranbir Singh Kundu, Adv.
Dr. Sanjay Gupta, Adv.
Mr. Vishwa Pal Singh, AOR

Ms. Mahalakshmi Pavani, Sr. Adv.
Mr. G. Balaji, AOR

Mr. Sandiv Kalia, Adv.
Mr. Srilok Nath Rath, Adv.
Dr. Sanjay Gupta, Adv.
Dr. Sushil Balwada, AOR

Ms. Sunita Sharma, AOR
Mr. Himanshu Mehra, Adv.
Mr. Manish Kumar Vikkey, Adv.

Mr. Nachiketa Joshi, AOR
Ms. Sucheta Joshi, Adv.
Mr. Ritwiz Rishabh, Adv.

Mr. Pravin H. Parekh, Sr. Adv.
Ms. Ritika Sethi, Adv.
Mr. Akash Jindal, Adv.
for M/s. Parekh & Co.

For Respondent(s) Mr. A.N.S. Nadkarni, ASG
Ms. V. Mohana, Sr. Adv.
Mr. A.K. Panda, Sr. Adv.
Mr. Vijay Prakash, Adv.
Mr. Vibhu Shankar Mishra, Adv.
Mr. M.P. Gupta, Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. D. S. Mahra, AOR

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

Permission to file SLP granted.

Delay condoned.

The appeals and special leave petitions stand
disposed of in terms of the signed order.

Pending applications are also disposed of.

(SANJAY KUMAR-I)

AR-CUM-PS

(Signed order is placed on the file)

(SHARDA KAPOOR)

ASSISTANT REGISTRAR