

LISTING ON 27.02.2017

COURT NO. 8

ITEM NO. 3

SEC.IV-A

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 32186-99, 32333-32357, 32427-32452, 33470-33548/2014, 34490-93 OF 2014, 2645-2674 of 2015, 4713-4976 of 2015, 1478-1479 of 2015, 30334 of 2016, 3911-3949 of 2017 AND PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL).....CC NOS. 2570-2571, 2821-2859, 2880-2918 of 2017

WITH PRAYER FOR INTERIM RELIEF

WITH

INTERLOCUTORY APPLICATION NOS. 1-14 OF 2014 in SLP(c) No. 32186-99 of 2014 (Application for Impleadment as party Respondent)

WITH

INTERLOCUTORY APPLICATION NOS. 44-57 OF 2016 in SLP(c) No. 32186-99 of 2014 (Application for re-calling the order dated 11.07.2016)

AND

INTERLOCUTORY APPLICATION NOS. 58-71 OF 2016 in SLP(c) No. 32186-99 of 2014 (Application for condonation of delay in filling the application for recall order)

AND

INTERLOCUTORY APPLICATION NOS. 72-85 OF 2016 in SLP(c) No. 32186-99 of 2014 (Application for direction)

WITH

INTERLOCUTORY APPLICATION NO. 80-158 of 2016 in SLP(c) No. 33470-548 of 2014 (Application for Ad Interim Order)

AND

INTERLOCUTORY APPLICATION NO. 159-237 of 2016 SLP(c) No. 33470-548 of 2014 (Application for exemption from filing Official Translation)

AND

INTERLOCUTORY APPLICATION NO. 2 IN SLP(C) NO. 30334 OF 2016 (Application for permission to implead as party respondent)

AND

INTERLOCUTORY APPLICATION NO. 3 IN SLP(C) NO. 30334 OF 2016 (Application for permission to file additional documents)

AND

INTERLOCUTORY APPLICATION NO. 4 IN SLP(C) NO. 30334 OF 2016 (Application for ad-Interim Directions to the respondents)

AND

INTERLOCUTORY APPLICATION NO. 265-528/2015 IN SLP(C) NO. 4713-4976/15 (Application for Exemption from filing O.T)

AND

INTERLOCUTORY APPLICATION NO. 1-39/17 IN OF 2015 IN SLP(C) NO. 3911-3949/17 (Application for condonation delay in filing SLPs)

AND

INTERLOCUTORY APPLICATION NO. 1-2 AND 3-4/17 IN SLP(C).....CC NO. 2570-2571/17

(Applications for condonation of delay in filing and refiling the SLPs)

AND

INTERLOCUTORY APPLICATION NO.IN SLP(C).....CC NO. 2570-2571/17 (Applications for exemption from filing O.T)

AND

INTERLOCUTORY APPLICATION NO. 1-2/17 IN SLP(C).....CC NO. 2821-2859/17
(Application for permission to file SLPs)

AND

INTERLOCUTORY APPLICATION NO. /17 IN SLP(C).....CC NO. 2821-2859/17
(Application for condonation of delay in filing SLPs)

AND

INTERLOCUTORY APPLICATION NO. 1-5/17 IN SLP(C).....CC NO. 2880-2918/17
(Application for permission to file SLPs filed on behalf of petitioner Nos. 1-2 and 4-6)

AND

INTERLOCUTORY APPLICATION NO. /17 IN SLP(C).....CC NO. 2880-2918/17
(Application for condonation of delay in filing SLPs)

S.G. Jamaludheen Etc Etc

...Petitioners

-Versus-

State of Karnataka And Ors. Etc Etc.

...Respondents

OFFICE REPORT

The matters above mentioned except SLP(CIVIL)..... .CC NOS. 2570-2571, 2821-2859, 2880-2918 of 2017 were listed before the Hon'ble Court on 06.02.2017 with office report dated 04.02.2017 when the Court was pleased to pass the following Order:

"In view of letter circulated by learned counsel appearing on behalf of the State of Karnataka, list after two weeks."

It is submitted that in view of the letter dated 06.02.2017 circulated before the Hon'ble Court on 06.02.2017 the counsel for the Respondent has not filed any document so far with regard to the instructions.

Latest Service position is as under:-

SLP Nos. 32186-99 and 32427-32452 of 2014

There are 15 common respondents and accordingly, show cause notice was issued to Respondent Nos. 1 and 2 & Respondent Nos. 4 to 15 through their appearing counsel before Hon'ble Court and to Respondent No.3 through registered AD Post. AD card duly signed has been received from respondent no. 3.

It is submitted that Mr. Nitin Kumar Thakur, Advocate has on 13.04.2016 filed vakalatnama/memo of appearance on behalf of Respondent No. 4, 5, 7, 8, 9, 11 and 12 with counter affidavit on their behalf, and Counter Affidavit has been included in the paper books. Mr. V.N. Raghupathy, Advocate has filed Vakalatnama/Memo of Appearance on behalf of Respondent No. 1 and 2. Mr. H. Chandra Sekher, Advocate has filed Vakalatnama/Memo of Appearance on behalf of Respondent No. 6.

It may be mentioned here that Mr. Harish R. Advocate has not filed Vakalatnama/Memo of Appearance on behalf of Respondent Nos. 10, 13-15 though appeared before Hon'ble court on 04.12.2014 on their behalf and waived the notice.

Therefore, service of notice is not complete on Respondent Nos. 10, 13-15.

There are 82 common respondents and accordingly, show cause notice was issued to Respondent Nos. 1 and 2 & Respondent Nos. 4 to 15 through their counsel appeared before Hon'ble Court and to Respondent No.3 and 16 to 82 through registered AD Post. AD cards duly signed have been received from respondent no. 3, 16, 17, 19, 25, 38, 45, 46, 51, 52, 55, 56, 58, 60, 61, 63 to 65, 72 & 75, but no appearance is filed on their behalf. Mr. P. V. Kamleshwaran, Caveator/Advocate has put in appearance on behalf of respondent no. 59, but no counter affidavit has been filed. Nothing has been received from Respondent Nos 18, 53, 62, 67, 69, 71, 80 and 82.

Unserved covers have been received with postal remarks in respect of the following respondents.

<u>Respondent Nos.</u>	<u>Remarks</u>
20, 21	Addressee left
22, 23, 24	No such person in this address.
26, 27	Addressee left
28 to 35	No such address.
36, 37	No such person in this address.
37	No such person in this address.
39 to 41	Addressee left
42	Without Remarks
43	Addressee left
44, 47	<i>Without Remarks</i>
48	Addressee left hence returned to sender
49, 50, 54	No such person in this address.
57	Addressee not claimed
66	Left
68	Addressee left
70	<i>Without Remarks</i>
73	No such person in this address.
74, 76, 77, 78	<i>Without Remarks</i>
79	Address Left
81	Addressee left hence returned to sender

It is further submitted through Mr. V.N. Raghupathy, Advocate appeared before the Court on 04.12.2014 on behalf of Respondent Nos. 1 & 2 and Mr. Harisha S.R., Advocate also appeared on behalf of Respondent Nos 4 to 15, but they have not filed

vakalatnama/memo of appearance on their behalf, so far.

It is submitted that Mr. Nitin Kumar Thakur, Advocate has on 13.04.2016 filed vakalatnama/memo of appearance on behalf of Respondent Nos. 4, 5, 7, 8, 9, 11 and 12 with counter affidavit in connected SLP Nos. 32186-99 of 2014. However, Respondent Nos. 4, 5, 7, 8, 9, 11 and 12 are common respondents in these matters.

Service of show cause notice is not complete on Respondent Nos 18, 20-24, 26-37, 39-44, 47-50, 53-54, 57, 62, 66-71, 73-74 & 76-82.

SLP Nos. 33470-33548 of 2014

There are 19 common respondents and accordingly, show cause notice was on 20.01.2015 issued to Respondent Nos. 1 to 19 through registered AD Post.

It is further submitted through Mr. V.N. Raghupathy, Advocate appeared before the Court on 04.12.2014 on behalf of Respondent Nos. 1 & 2. Mr. Gurudatta Ankolekor, Advocate has filed Vakalatnama/Memo Appearance on behalf of Respondent No. 5 and he has also filed counter Affidavit. Mr. H.Chandra Sekhar, Advocate has filed Vakalatnama/Memo Appearance on behalf of Respondent No. 7 but he has not filed counter Affidavit so far.

It is further submitted through Mr. V.N. Raghupathy, Advocate appeared before the Court on 04.12.2014 on behalf of Respondent Nos. 1 & 2 and he has on 18.01.2017 filed vakalatnama/memo of appearance on their behalf but he has not filed counter affidavit so far.

AD cards duly signed have been received from respondent no. 15 and 18 but no appearance is filed on their behalf. Nothing has been received from Respondent Nos 3 to 4, 6, 8 to 10, 12, 13, 16 and 19.

Unserved covers have been received with postal remarks in respect of the following respondents.

<u>Respondent Nos.</u>	<u>Remarks</u>
14	Left
11	With remark
17	Not Claimed

It is submitted that Mr. Gautam Talukdar, counsel for the petitioner has on 23.09.2016 filed the following applications:-

- 1) Application for Ad Interim Directions and the same has been registered as I.A no. 80-158 of 2016.
- 2) Application for exemption from filing Official Translation and the same has been registered as I.A no. 159-237 of 2016.

Service of show cause notice is not complete on Respondent Nos 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, 16, 17 and 19.

SLP(C) No. 2645-74 of 2015

The matters above mentioned were listed before the Hon'ble Court on 06.02.2015, when the Court was pleased to pass the following Order:

**“Issue notice.
Tag with SLP(C) Nos. 32186-32199/2014.”**

Accordingly, show cause notice was issued to all the four common fifteen respondents by regd. A.D. post on 15.04.2015. Mr. S.N. Bhat, Advocate has filed vakalatnama/memo of appearance on behalf of Common respondent Nos. 3 in SC 2645-47/2015, 2671-74/2015 Respondent No. 2 in 2648-65/2015, 2666-70/2015(i.e. Karnataka Public Service Commission) but has not filed counter affidavit so far. Mr. H. Chandra Shekhar, Advocate has filed vakalatnama/memo of appearance on behalf of Common respondent Nos. 13-14 in all SLPs but has not filed counter affidavit so far. A.D. cards duly signed in respect of common respondent Nos. 1, 4, 5, 7, 8, 10, 11 have been received but no one has entered appearance on their behalf so far.

Neither A.D. card nor unserved cover containing notice has been received back in respect of respondent common Nos. 6, 9, 12, 15 in all SLPs and (Common respondents No. 2 in SC 2645-47, Respondent No. 3 in SC 2648-65/2015, 2666-70, 2671-74/2016.

Service of show cause notice is not complete.

SLP NO. 34490-493 of 2014

The instant matter has been tagged with the main SLP (C) No. 32186-99 of 2014 vide order dated 18.12.2014 of Hon'ble Court.

SLP(C) No. 4713-4976/2015

The matters above mentioned were listed before the Hon'ble Court on 09.03.2015, when the Court was pleased to pass the following Order:

“Tag with SLP(C)Nos.32186-32199 of 2014.”

Accordingly, SLP(C) Nos. 4713-4976/15 have been tagged with SLP(C) Nos. 32186-32199/2014.

SLP(C) No. 1478-79/2015

The matters above mentioned were listed before the Hon'ble Court on 22.01.2015, when the Court was pleased to pass the following Order:

“Issue notice.

Tag with SLP(C) Nos. 32186-32199/2014.

Until further orders, such of the appointees who were inducted into service in the year 2008, and are continuing in service shall not be disturbed, and shall be permitted to continue in service.”

Accordingly, show cause notice was issued to all the four respondents through registered A.D post on 16.02.2015. Mr. S.N. Bhat, Advocate has filed Vakalatnama/Memo of Appearance on behalf of Respondent No.2, but has not filed counter affidavit so far. Mr. V.N. Reghupathy, advocate has filed Vakalatnama/Memo of Appearance on behalf of Respondent No. 1 and 3, but has not filed counter affidavit so far. Mr. H.Chandra Sekhar, Advocate has filed Vakalatnama/Memo of Appearance on behalf of Respondent No.4 after taking “No Objection” from erstwhile Advocate Mr. Anantha Narayana M.G. Name of Mr. H. Chandra Sekhar Advocate has been updated in the Computer Data in place of Mr. Anantha Narayana M.G, Advocate and shown in supplementary list. No Counter Affidavit has been filed on behalf of Respondent No. 4 so far.

Service of show cause notice is complete.

SLP(C) No. 3911-3949/2017

The matters above mentioned were listed before the Hon'ble Court on 30.01.2017, when the Court was pleased to pass the following Order:

**“Issue notice on the applications for condonation of delay as well as on the special leave petitions.
Tag with SLP(c) Nos. 1478-1479 of 2015.”**

It is submitted that counsel for the petitioner has not filed spare copy of SLPs for issuance of notice, hence, show cause notice could not be issued so far.

Service of show cause notice is not complete.

SLP(c) NO. 30334 OF 2016

The matter above mentioned was listed before the Hon'ble Court on 30.09.2016 and thereafter, mentioned on 03.10.2016 when the Court was pleased to pass the following order:

30.09.2016

“Delay condoned.

Issue notice on the special leave petition as also on the application for impleadment.

Tag with SLP(C) Nos.33470-33548/2016.”

03.10.2016

“Taken on board.

The last line of our order dated 30.9.2016 shall be read as

:

“Tag with SLP(C)Nos.33470-33548/2014.”

The order dated 30.9.2016 shall stand modified/corrected to the above extent."

Accordingly, show cause notice was issued to the respondent nos. 1-42 and also to the sole applicant in the impleadment application on 28.10.2016 through Registered A.D. Post. As per Tracking Report of the Postal Authority, service is effected on respondent nos. 1, 2, 3-7, 11, 12, 14 to 19, 22, 25, 27-31, 33-35, 38, 41-42 and also on the applicant to be impleaded, but no appearance is filed.

Service is not effected in respect of Respondent nos. 8, 9, 10, 13, 20, 21, 23, 24, 26, 32, 36, 37, 39, 40 with Postal Remarks "Not Known", "Insufficient address", "Left", "Door Locked" and without postal remarks respectively.

Service is not complete on respondent nos. 8-10, 13, 20, 21, 23, 24, 26, 32, 36, 37, 39 and 40.

It is submitted that counsel for the petitioner has on 06.01.2017 filed an application for Ad-Interim direction to the respondents with affidavit in support thereof. Same has been registered as I.A. No. 4 and copy of the same is being circulated with this office report.

SLP(CIVIL).....CC NOS. 2570-2571, 2821-2859, 2880-2918 of 2017

The matters above mentioned were listed before the Hon'ble Court on 10.02.2017, when the court was pleased to pass the following order:-

"Tag with SLP(c) nos. 1478-1479 of 2015 and connected matters."

Accordingly, these matters have been tagged with SLP(c) nos. 1478-1479 of 2015 and connected matters (Main matter is SLP(c) no. 32186-32199 of 2014).

The matters above mentioned alongwith applications are, therefore, listed before the Hon'ble Court with this Office Report.

Dated this the 23rd day of February, 2017.

ASSISTANT REGISTRAR

Copy to:

- 1) Mr. Navin R. Nath, Adv.
- 2) Ms. K. V. Bharathi, Adv.
- 3) Mr. Gautam Narayan, Adv.
- 4) Mr. P. V. Kamleshwaran, Adv.
- 5) Mr. Harish Pandey, Adv.
- 6) Mr. H. Chandra Sekhar, Adv.
- 7) Mr. V.N. Raghupathy, Adv.

ASSISTANT REGISTRAR