

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.675 OF 2019
(Arising out of SLP(C) No.2983 of 2016)

INDIAN COUNCIL OF AGRICULTURAL
RESEARCH & ANR.

APPELLANT(s)

VERSUS

DR. SMT. S.R. GAUR & ORS.

RESPONDENT(s)

WITH

CIVIL APPEAL NO.686 OF 2019
[ARISING OUT OF SLP(C) No. 8306/2016]

CIVIL APPEAL NO.677 OF 2019
[ARISING OUT OF SLP(C) No. 8259/2016]

CIVIL APPEAL NO. 694 OF 2019
[ARISING OUT OF SLP(C) No. 8302/2016]

CIVIL APPEAL NO.689 OF 2019
[ARISING OUT OF SLP(C) No. 8297/2016]

CIVIL APPEAL NO.707 OF 2019
[ARISING OUT OF SLP(C) No. 2982/2016]

CIVIL APPEAL NO. 706 OF 2019
[ARISING OUT OF SLP(C) No. 3146/2016]

CIVIL APPEAL NO.678 OF 2019
[ARISING OUT OF SLP(C) No. 3147/2016]

CIVIL APPEAL NO.691 OF 2019
[ARISING OUT OF SLP(C) No. 3148/2016]

CIVIL APPEAL NO.701 OF 2019
[ARISING OUT OF SLP(C) No. 8310/2016]

CIVIL APPEAL NO.697 OF 2019
[ARISING OUT OF SLP(C) No. 8308/2016]

CIVIL APPEAL NO. 698 OF 2019
[ARISING OUT OF SLP(C) No. 2981/2016]

CIVIL APPEAL NO.703 OF 2019
[ARISING OUT OF SLP(C) No. 2978/2016]

CIVIL APPEAL NO. 683 OF 2019
[ARISING OUT OF SLP(C) No. 8305/2016]

CIVIL APPEAL NO.708 OF 2019
[ARISING OUT OF SLP(C) No. 2980/2016]

CIVIL APPEAL NO.688 OF 2019
[ARISING OUT OF SLP(C) No. 8299/2016]

CIVIL APPEAL NO.680 OF 2019
[ARISING OUT OF SLP(C) No. 8313/2016]

CIVIL APPEAL NO. 699 OF 2019
[ARISING OUT OF SLP(C) No. 8312/2016]

CIVIL APPEAL NOs.684-685 OF 2019
[ARISING OUT OF SLP(C) No. 13754-13755/2016]

CIVIL APPEAL NO.690 OF 2019
[ARISING OUT OF SLP(C) No. 8311/2016]

CIVIL APPEAL NO.705 OF 2019
[ARISING OUT OF SLP(C) No. 8309/2016]

CIVIL APPEAL NO. 704 OF 2019
[ARISING OUT OF SLP(C) No. 8307/2016]

CIVIL APPEAL NO.696 OF 2019
[ARISING OUT OF SLP(C) No. 8304/2016]

CIVIL APPEAL NO.693 OF 2019
[ARISING OUT OF SLP(C) No. 3145/2016]

CIVIL APPEAL NO.692 OF 2019
[ARISING OUT OF SLP(C) No. 8301/2016]

CIVIL APPEAL NO.700 OF 2019
[ARISING OUT OF SLP(C) No. 2979/2016]

CIVIL APPEAL NO. 679 OF 2019
[ARISING OUT OF SLP(C) No. 8300/2016]

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[ARISING OUT OF SLP(C) No. 8298/2016]

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[ARISING OUT OF SLP(C) No. 8317/2016]

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[ARISING OUT OF SLP(C) No. 8316/2016]

CIVIL APPEAL NO. 695 OF 2019

[ARISING OUT OF SLP(C) No. 8314/2016]

CIVIL APPEAL NO.681 OF 2019

[ARISING OUT OF SLP(C) No. 8315/2016]

O R D E R

Leave granted.

A batch of thirty three writ petitions under Article 226 of the Constitution was disposed of by a learned Single Judge of the High Court of Chhattisgarh on 10 November 2009. One Writ Appeal was filed against the judgment of the learned Single Judge in Dr. A.K. Singh's case [Writ Appeal No.449 of 2010] which was disposed of on 22 January 2015. While dismissing the Writ Appeal, a Division Bench of the High Court observed that no appeals were filed in other cases and while financial implications are an important consideration which may justify the appeal, that could not be a reason to prefer an appeal only in one case when a batch of cases was decided by a common order.

Following the dismissal of the Writ Appeal in Dr. A.K. Singh's case, the appellants filed Writ Appeals against the common order of the learned Single Judge in the other cases. The Division Bench declined to condone the delay of 1862 days on the ground that there was no satisfactory explanation. The Division Bench held that if an appeal could have been filed from the judgment in one of the Writ Petitions which was also disposed of by a

common order, there was no reasonable or plausible explanation why an appeal could not be filed within a reasonable time in other cases. However, no explanation much less an explanation worth consideration was (in the view of the High Court) furnished.

On behalf of the appellants, Mr. Gourab Banerjee, learned senior counsel, while adverting to the above facts, submitted that as a matter of fact a Writ Appeal was filed in the lead petition. The Writ Appeal was dismissed on the ground that if financial implications were of significance, an Appeal could not have been filed only in one case. When appeals were then filed in the other cases, involving the same common order, the High Court has declined to condone the delay.

We are, at the present stage, not adverting to the merits of the Writ Appeals so as to desist from expressing any view of this Court which may affect the case one way or the other. However, having due regard to the above circumstances, we are of the view that it would be appropriate to saddle the appellants with an order of costs, subject to which the delay should be condoned so as to enable the High Court to deal with the Writ Appeals on merits.

We accordingly direct that the appellants shall pay to each of the thirty three petitioners involved in the cases before the High Court an amount of Rs.10,000/- conditional on which the delay in filing the Writ Appeals

shall stand condoned. The costs shall be deposited before the High Court within a period of four weeks from today, which the original petitioners will be at liberty to withdraw. On condition of the payment of the above costs, the respective Writ Appeals shall stand restored to the file of the High Court. Insofar as the dismissal of the Writ Appeal in the case pertaining to Dr. A.K. Singh is concerned, in the above facts and circumstances, we direct that the impugned order of the High Court shall also stand set aside and the Writ Appeal shall stand restored to the file of the High Court for consideration afresh. Since it appears that a common question is involved in all the matters, it would be appropriate if all the Writ Appeals are heard together by the High Court. We request the High Court to endeavour an expeditious disposal of the Writ Appeals.

The appeals are allowed in the above terms. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 14, 2019

ITEM NO.48

COURT NO.11

SECTION IV-A

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

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Date : 14-01-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) **Mr. Gourab Banerjee, Sr. Adv.**
 Mr. Praveen Swarup, AOR
 Mr. Syed Jafar Husain, Adv.
 Mr. Ameet Singh, Adv.

For Respondent(s) **Mr. Ratnakar Dash, Sr. Adv.**
 Mr. Rishi Jain, Adv.
 Mr. Adarsh Upadhyay, AOR

 Mr. Atul Jha, Adv.
 Mr. Sandeep Jha, Adv.
 Mr. Dharmendra Kumar Sinha, AOR

 Mr. Parijat Kishore, AOR

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

Delay, if any, is condoned.

Leave granted.

The appeals are allowed in terms of the signed order.

No costs.

Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)