

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No 1247 of 2020
(Arising out of S.L.P.(C) No 24681 of 2010)

Smti Mongam Dirchi and Another

Appellant(s)

Versus

Shri Lai Puroik and Others

Respondent(s)

W I T H

Civil Appeal No 1249 of 2020
[Arising out of SLP(C) No 3791 of 2020 @ CC No 17381 of 2010]

ORDER

Civil Appeal No 1247 of 2020

- 1 Delay condoned.
- 2 Leave granted.
- 3 This appeal has arisen from a judgment and order of the Division Bench of the Gauhati High Court dated 30 April 2009 at the Itanagar Bench.
- 4 The Arunachal Pradesh Secretariat Subordinate Service Rules 1989 have been framed under Article 309 of the Constitution. The Secretary (General Administration) of the Government of Arunachal Pradesh addressed a communication on 24 January 2000 to the Secretary, Arunachal Pradesh Public Service Commission (APPSC) for conducting a typing speed test for

appointment to the post of Lower Division Clerk (LDC) from the ten per cent quota for promotion of Group 'D' employees. On 11 February 2000, twenty candidates including the appellants were directed to appear in the typing speed test. Sixteen candidates qualified at the test for being appointed against the ten per cent quota for LDCs. The second appellant was appointed to the post of LDC on 27 March 2001. The first appellant was appointed on 9 December 2002. The tenure of the select list was extended by the Secretary (General Administration) by orders dated 16 August 2004 and 14 June 2005.

5 A writ petition was filed before the High Court by the sixteen persons. A prayer was made to rescind the appointments to the Group 'C' posts from the promotional quota. The appellants were not impleaded as parties to the writ proceedings. The appointment orders were not specifically challenged though there was an interim prayer for staying certain appointment orders which were issued later on 24 February 2005 and 16 June 2005. The appointments of the first and the second appellants were made much prior in time.

6 The learned Single Judge allowed the Writ Petition on 9 August 2005 and quashed the appointments. The Division Bench in a Letters Patent Appeal confirmed the order of the learned Single Judge insofar as the appellants are concerned.

7 Notice was issued in these proceedings on 27 August 2010, both on the Special Leave Petition and on the application for condonation of delay in filing the Special Leave Petition. The Office Report indicates that service is complete.

The State of Arunachal Pradesh is represented in these proceedings. None has appeared on behalf of the private respondents.

8 The appeal is liable to be allowed on the ground that the High Court erred in setting aside the promotion granted to the appellants as LDCs though they were not impleaded as parties to the proceedings. There was no specific challenge to the order of appointment of the appellants. In this background, we are of the view that the order of the learned Single Judge as well as the order of the Division Bench are unsustainable.

9 We accordingly allow the appeal and set aside the impugned judgment and order of the High Court dated 30 April 2009. The appellants would be entitled to consequential benefits as a result of the order passed in the present appeal.

Civil Appeal No 1249 of 2020

The Civil Appeal is disposed of in terms of the order passed in Civil Appeal No 1247 of 2020.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Indu Malhotra]

New Delhi;
February 07, 2020

ITEM NO.58

COURT NO.8

SECTION XIV

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(s) for Special Leave to Appeal (C) No.24681/2010

(Arising out of impugned final judgment and order dated 30-04-2009 in WA No. 42/2007 30-04-2009 in WA No.42/2007 passed by the Gauhati High Court at Imphal)

SMTI MONGAM DIRCHI & ANOTHER

Petitioner(s)

VERSUS

SHRI LAI PUROIK & ORS.

Respondent(s)

WITH S.L.P.(C)...CC 17381/2010 (XIV)
(With appln.(s) for permission to file SLP)

Date : 07-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Mr. Pravir Choudhary, AOR
Mr. Reepak Kansal, Adv.
Shehnaaz Rehman, Adv.
Mr. Ajay Kapoor, Adv.

For Respondent(s) Mr. Anil Shrivastav, AOR
Mr. Rituraj Biswas, Adv.

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

SLP(C) No24681 of 2010

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, stand disposed of.

SLP(C) No CC 17381 of 2010

Permission to file the Special Leave Petition is granted.

Delay condoned.

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, stand disposed of.

(Chetan Kumar)
A.R. - cum - P.S.

(Saroj Kumari Gaur)
Court Master

(Signed order is placed on the file)