

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.2973 OF 2022
(Arising out of SLP (C) No. 7197 of 2022 @ SLP (C) Dy.
No. 13464 of 2018)

**SUPERINTENDENT OF POST DEPARTMENT OF
POST & ORS.**

APPELLANT(S)

VERSUS

P. SUBBAIAH

RESPONDENT(S)

AND

CIVIL APPEAL NO. 2967 OF 2022
(Arising out of SLP(C) No. 3392 of 2019)

AND

CIVIL APPEAL NO.2968-2969 OF 2022
(Arising out of SLP (C) NOS. 2795-96 of 2021)

O R D E R

Civil Appeal No. 2973 of 2022 arising out of SLP (C) No. 7197 of 2022 @ SLP (C) Dy. No. 13464 of 2018:

Delay condoned.

Leave granted.

This appeal is allowed in terms of the judgment dated 08.11.2019 in the batch of appeals led by Civil Appeal No. 8497 of 2019.

Civil Appeal No.2967 of 2022 arising out of SLP (C) No. 3392 of 2019:

Leave granted.

This appeal is allowed in terms of the judgment dated 08.11.2019 in the batch of appeals led by Civil Appeal No. 8497 of 2019.

Civil Appeal Nos.2968-2969 OF 2022 arising out of SLP (C)
Nos. 2795-96 of 2021:

Nobody has appeared for the respondent despite service.

Leave granted.

It is pointed out that the subject-matter of this appeal is squarely covered by 3-Judge Bench judgment of this Court dated 08.11.2019 in the batch of appeals led by Civil Appeal No. 8497 of 2019. Taking note of the submissions so made and having examined the record, we are clearly of the view that the impugned orders dated 03.06.2019 in OP(CAT) No.137 of 2019 and dated 31.01.2020 in RP No. 1128 of 2019, as passed by the High Court of Kerala at Ernakulam, cannot be sustained.

Consequently, the order passed by the Central Administrative Tribunal on 30.07.2018 in OA No. 840 of 2016 is also required to be set aside.

This appeal is allowed accordingly and in terms of the judgment dated 08.11.2019 in the batch of appeals led by Civil Appeal No. 8497 of 2019.

.....J
(DINESH MAHESHWARI)

.....J
(ANIRUDDHA BOSE)

NEW DELHI;
APRIL 18, 2022.

ITEM NO.1

COURT NO.14

SECTION XII

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

SPECIAL LEAVE PETITION (CIVIL) Diary No. 13464/2018

(Arising out of impugned final judgment and order dated 06-06-2017 in WP No. 10677/2016 passed by the High Court of Judicature at Madras at Madurai)

SUPERINTENDENT OF POST DEPARTMENT OF POST & ORS. Petitioner(s)

VERSUS

P. SUBBAIAH

Respondent(s)

(IA No. 55727/2018 - CONDONATION OF DELAY IN FILING)

WITH

SLP(C) No. 3392/2019 (XI)Diary No(s). 18007/2019 (XII)

(IA No. 84506/2019 - CONDONATION OF DELAY IN FILING)

SLP(C) No. 2795-2796/2021 (XI-A)

(IA No. 95172/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 18-04-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s)

Ms. Madhvi Divan, ASG
 Mr. Vikramjit Banerjee, ASG
 Ms. Kiran Suri, Sr. Adv.
 Ms. Pooja Dhar, Adv.
 Ms. Swarupma Chaturvedi, Adv.
 Mr. T.A. Khan, Adv.
 Ms. Sakshi Kakkar, Adv.
 Mr. Balendu Shekhar, Adv.
 Mr. Shankar Divale, Adv.
 Mr. Gurmeet Singh Makker, AOR
 Ms. Swarupama Chaturvedi, Adv.
 Ms. Sakshi Kakkar, Adv.
 Mr. Arvind Kumar Sharma, AOR

For Respondent(s)

Mr. Rajeev Kumar Bansal, AOR

Mr. Ganesh Barowalia, Adv.
Ms. Neeta Sukhanandi, Adv.
Mr. Girish Patel, Adv.

Mr. G. Balaji, AOR

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

Diary No. 13464 of 2018

Delay condoned.

Leave granted.

This appeal is allowed in terms of the Signed Order.

SLP (C) No. 3392 of 2019

Delay condoned.

Leave granted.

This appeal is allowed in terms of the Signed Order.

Diary No. 18007 of 2019

Delay condoned.

Issue notice.

SLP (C) Nos. 2795-2796 of 2021

Nobody has appeared for the respondent despite service.

Leave granted.

This appeal is allowed in terms of the Signed Order.

(SHRADDHA MISHRA)
SENIOR PERSONAL ASSISTANT

(RANJANA SHAILEY)
COURT MASTER (NSH)

(Signed Order in Dy No. 13464 of 2018, SLP (C) No. 3392 of 2019 and
SLP (C) Nos. 2795-2796 of 2021 is placed on the file)