

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).....CC No(s).
22094-22098/2015

(Arising out of impugned final judgment and order dated 31/03/2015 in WA No. 2730/2012 31/03/2015 in WA No. 1033/2013 31/03/2015 in WA No. 2705/2012 31/03/2015 in WA No. 2731/2012 31/03/2015 in WA No. 2394/2013 passed by the High Court of Madras)

TAMIL NADU PUBLIC SERVICE COMMISSION,
REP.BY ITS SECRETARY, GOVT. ESTATE,

Petitioner(s)

VERSUS

GOVT. OF TAMIL NADU, REP. BY ITS SECRETARY, HIGHWAYS
DEPARTMENT AND ORS. AND ETC.

Respondent(s)

I.A. 1-5/2015(with c/delay in filing SLP and office report)

WITH

S.L.P. (C) ...CC No. 14794/2015

(With appln.(s) for c/delay in filing SLP and Office Report)

SLP(C) No. 23070-23071/2015

(With Interim Relief and Office Report)

Date : 22/01/2016 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Mr. Mukul Rohatagi, A.G.
Mr. B. Balaji, AOR
Ms. Niraimathi, Adv.
Mr. Sudhanshu Sekaa, Adv.

Mr. Mohan Parasaran, Sr. Adv.
Mr. K. Venkateramani, Sr. Adv.
Mr. C. Paramasivam, Adv.
Mr. M.P. Parthiban, Adv.
Mr. T. R. B. Sivakumar, AOR

Ms. Preetika Dwivedi, AOR

For Respondent(s) Dr. Rajiv Dhavan, Sr. Adv.
Mr. Gurukrishna Kumar, Sr. Adv.

Mr. S. Hariharan, Adv.

Mr. Kannan, Adv.

Mr. Vikash Singh, AOR

Mr. Anil Kumar Tandale, AOR

Ms. Yogmaya Agnihotri, Adv.

Mr. Rohit K. Singh, AOR

Mr. S. Hajamohideen Gisthi, Adv.

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

Delay condoned.

Heard learned counsel for the petitioners in all these special leave petitions.

The fundamental principle which has been applied by the Division Bench in the cases on hand relates to the question as to what should be the basis for drawing a seniority list. In that context, the Division Bench has noted that at the time when the Service Commission drew the list in 2000 the same was in tune with the judgment of this Court in P.S. Ghalaut v. State of Haryana & Others, reported in (1995) 5 SCC 625. The Court also found that the said list which was approved by the State Government did not achieve the finality and that ultimately when the seniority list came to be issued on 29.2.2004, by which time the judgment of this Court in Bimlesh Tanwar v. State of Haryana and others, reported in (2003) 5 SCC 604 had come into effect which reversed the judgment in Ghalaut (supra). The Division Bench, therefore, held that there was no delay in the challenge made to the seniority list. After the emergence of the judgment in Bimlesh Tanwar (supra), the fundamental principle relating to drawl of seniority list was that it should be based on merit list of selection and that the list drawn based on roster point can have no application for the purpose of seniority list.

As the said fundamental principle was applied by the High Court in passing the impugned judgment, we do not find any merit in these special leave petitions. The special leave petitions are dismissed.

The learned Attorney General for India, appearing for the Tamil Nadu Public Service Commission, raised an issue that with reference to a contra view taken by another Judgment of Madurai Bench of the Madras High Court, at the instance of one of the employees an SLP is pending in this Court. Since the issue is now covered by the decision of this Court in Bimlesh Tanwar (supra), the pendency of the said SLP will be of no consequence as the said SLP should also be covered by the said judgment of this Court, namely, Bimlesh Tanwar (supra).

Pending applications, if any, shall stand disposed of.

(NARENDRA PRASAD)
COURT MASTER

(SHARDA KAPOOR)
COURT MASTER