



MACRUS
LEGAL

ADVOCATES, ATTORNEYS & SOLICITORS

MACRUS LEGAL CASELAWS

Landmark Judgement in Service Laws

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<p>Sukhdev Singh</p> <p>Vs.</p> <p>Union of India and Others</p>	<p>Supreme Court - 23.04.2013</p>
<p>Annual Confidential Report - ACR</p>	
<p>SC: "...If his entry is upgraded the appellant shall be considered for promotion retrospectively by the Departmental Promotion Committee (DPC) within three months thereafter and if the appellant gets selected for promotion retrospectively, he should be given higher pension with arrears of pay and interest @ 8% per annum till the date of payment."</p>	
<p>Pawan Kumar</p> <p>Vs.</p> <p>Union of India & Anr.</p>	<p>Supreme Court - 02.05.2022</p>
<p>Employer cannot terminate an employee for suppression of criminal case</p>	
<p>"18. The criminal case indeed was of trivial nature and the nature of post and nature of duties to be discharged by the recruit has never been looked into by the competent authority while examining the overall suitability of the incumbent keeping in view Rule 52 of the Rules 1987 to become a member of the force. Taking into consideration the exposition expressed by this Court in Avtar Singh (supra), in our considered view the order of discharge passed by the competent authority dated 24th April, 2015 is not sustainable...". The Respondents were directed to reinstate the appellant in service on the post of Constable on which he was selected pursuant to his participation in reference to employment notice. It was further directed that the Appellant was not entitled for the arrears of salary for the period during which he has not served the force and at the same time he will be entitled for all notional benefits, including pay, seniority and other consequential benefits, etc.</p>	
<p>Jarnail Singh & Ors.</p> <p>Vs.</p> <p>Lachhmi Narain Gupta & Ors.</p>	<p>Supreme Court - 02.05.2022</p>
<p>Reservation in Promotions</p>	

Supreme Court Holds Cadre As Unit For Collecting Quantifiable Data On Adequacy of Representation; Collection Of Data On Entire Service Meaningless	
P Vs. A & Ors.	Bombay High Court - 02.05.2022
Sexual Harassment	
Guidelines to Protect Identities of Parties Involved	
The State of Kerala & Ors. Vs. Leesamma Joseph	Supreme Court - 28.06.2021
Reservation for PwDs (Handicapped) in Promotion	
<p>The Supreme Court on June 28, 2021 ruled that reservation for Persons with Disabilities (PwD) mandated by Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, is applicable to promotions as well (State of Kerala vs. Leesamma Joseph).</p>	
Poonam Garg Vs. IFCI Venture Capital Funds Ltd. & Ors.	Delhi High Court - 27.09.2019
Voluntary Retirement	
<p>Employees can withdraw requests for voluntary retirement any time before its acceptance. Delhi HC: "... ... the impugned order dated 04.07.2019 rejecting the petitioner's request for withdrawal of her application for voluntary retirement is quashed. The respondents are directed to treat the petitioner to have validly withdrawn her request for voluntary retirement."</p>	
Shanta Kumar Vs. Council of Scientific and Industrial Research (CSIR) & Ors.	Delhi High Court - 31.10.2017
Sexual Harassment	

Delhi High Court: “15. Undoubtedly, physical contact or advances would constitute sexual harassment provided such physical contact is a part of the sexually determined behaviour. Such physical contact must be in the context of a behaviour which is sexually oriented. Plainly, a mere accidental physical contact, even though unwelcome, would not amount to sexual harassment. Similarly, a physical contact which has no undertone of a sexual nature and is not occasioned by the gender of the complainant may not necessarily amount to sexual harassment.

16. ... Plainly, all physical contact cannot be termed as sexual harassment and only a physical contact or advances which are in the nature of an “unwelcome sexually determined behaviour” would amount to sexual harassment.”

Shri Anant R. Kulkarni

Vs.

Y.P. Education Society & Ors.

Supreme Court - 29.04.2013

Delay in Disciplinary Proceedings/Inquiry

It is a settled legal proposition that a departmental enquiry can be quashed on the ground of delay provided the charges are not very grave.

Major General H.M. Singh, VSM

Vs.

Union of India and Anr.

Supreme Court - 09.01.2014

Consideration for Promotion

Consideration for promotion is a fundamental right

Union of India & Ors.

Vs.

B.V. Gopinath

Supreme Court - 05.09.2013

Charge Sheet

The charge sheet/charge memo having not been approved by the disciplinary authority was *non est* in the eye of law.

<p>Ayaaubkhan Noorkhan Pathan</p> <p>Vs.</p> <p>State of Maharashtra & Ors</p>	<p>Supreme Court - 08.11.2012</p>
<p>Caste Certificate/False Caste Claim</p>	
<p>SC: “..... we direct that before the submission of any report by the Scrutiny Committee, his application for calling the witnesses for cross-examination must be disposed off, and appellant must be given a fair opportunity to cross-examine the witnesses, who have been examined before the Committee. We further direct the Scrutiny Committee to pass appropriate orders in accordance with the law thereafter. In case, the Scrutiny Committee has already taken a decision, the same being violative of the principles of natural justice, would stand vitiated.”</p>	
<p>The State of Kerala & Ors.</p> <p>Vs.</p> <p>Leesamma Joseph</p>	<p>Supreme Court - 28.06.2021</p>
<p>Reservation for PwDs (Handicapped) in Promotion</p>	
<p>The Supreme Court on June 28, 2021, ruled that reservation for Persons with Disabilities (PwD) mandated by Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, is applicable to promotions as well (State of Kerala vs. Leesamma Joseph)</p>	
<p>Dr. Jaishri Laxmanrao Patil</p> <p>Vs.</p> <p>The Chief Minister & Ors.</p>	<p>Supreme Court - 05.05.2021</p>
<p>Reservation for Marathas and Socially and Educationally Backward Classes</p>	
<p>Hon’ble Supreme Court, on May 05, 2021, unanimously held that there were no exceptional circumstances justifying the grant of reservation to Marathas in excess of 50% ceiling limit as a Socially and Economically Backward Class. The bench struck down the Maharashtra SEBC Act 2018 to the extent it held Marathas as a socially and economically backward class as violating the principles of equality. The bench struck down the reservation given to Marathas in jobs and education. However, the bench clarified that the judgement will not affect the PG Medical Admissions under Maratha quota made till 09.09.2020. The bench</p>	

held that there was no need to revisit the 50% ceiling limit on reservation laid down by the 9-judge bench decision in the Indira Sawhney case. In a significant judgement, the Supreme Court has held by 3:2 majority that the 102nd Constitution Amendment has abrogated the power of states to identify “Socially and Educationally Backward Classes(SEBCs)”.

**Chairman-cum-Managing Director,
Mahanadi Coalfields Limited
Vs.
Sri Rabindranath Chaubey**

Supreme Court - 27.05.2020

Forfeiture of gratuity under the Rules read with Sub-Section (6) of Section 4 of the Act, 1972

SC: “... in view of Rule 34.3 of the Rules, 1978, the employer has a right to withhold gratuity during pendency of the disciplinary proceedings. In my considered view, after conclusion of the disciplinary inquiry, if held guilty, indeed a penalty can be inflicted upon an employee/delinquent who stood retired from service and what should be the nature of penalty is always depend on the relevant scheme of Rules and on the facts and circumstances of each case, but either of the substantive penalties specified under Rule 27 of the Rules, 1978 including dismissal from service are not open to be inflicted on conclusion of the disciplinary proceedings and the punishment of forfeiture of gratuity commensurate with the nature of guilt may be inflicted upon a delinquent employee provided under Rule 34.3 of Rules, 1978 read with subsection (6) of Section 4 of the Act, 1972.”

**Nisha Priya Bhatia
Vs.
Union of India & Anr.**

Supreme Court - 24.04.2020

Compensation of Rs.1,00,000/ for Improper Handling of Complaint

Hon’ble SC has, inter alia, held –
– The impugned order of compulsory retirement passed under Rule 135 against the appellant/petitioner is valid and legal and the decision of the High Court in this regard stands confirmed subject, however, to modification thereof to the extent indicated in the judgement.

– The respondent(s) (Union of India) was directed to pay compensation of Rs.1,00,000/- to the appellant/petitioner for violation of her fundamental rights to life and dignity as a result of the improper handling of her complaint of sexual

Pravakar Mallick & Anr.

Vs.

The State of Orissa & Ors.

Supreme Court - 17.04.2020

No Reservation in Promotions Without Examining Adequacy of Representation in Promotional Posts

SC: “... .. The Resolution has no legal basis. ... While it is open for the State to confer benefit even through an executive order by applying mandatory requirements as contemplated under Article 16(4A) but the Resolution dated 20.03.2002 is merely issued by referring to the instructions of the Union of India without examining the adequacy of representation in promotional posts, as held by this Court.”

National Bal Bhawan

Vs.

Vandana, Roopa Sharma and Ors.

Delhi High Court - 17.11.2019

Gratuity - An employee is an employee, casual, ad-hoc or part time, under the Payment of Gratuity Act: Delhi HC

Delhi HC: “The definition of employee in the Act, 1972 also does not speak of any specific categories of the employees for its applicability, be it, regular, ad-hoc, part time, casual etc. etc. As for the payment of gratuity under the subject Act, to assess the quantum thereof, it provides for the definition of wages in sub-section (s) of Section 2. :

The combined reading of sub-Section (e) and sub-Section (s) of Section 2 of the Act, 1972 leaves no doubt that the gratuity is payable to the employees defined under the subject Act and is to be assessed on the basis of the wages / emoluments, within the ceiling limit as provided there-under.”

**Life Insurance Corporation of India v.
Mukesh Poonamchand Shah**

Supreme Court - 25.02.2020

Simultaneous Proceedings; Conviction; Suspension of Sentence

SC: “16. ...In the present case, following the conviction of the respondent by the Special Judge CBI, the appellant was acting within jurisdiction in issuing a notice to show cause under Regulation 39(4) of the 1960 Regulations. The learned single judge was correct in dismissing the special civil application filed by the respondent challenging the notice to show cause issued by the appellant. The judgement of the Division Bench restraining the appellant from taking a final decision on the show cause notice pending the disposal of the criminal appeal has no valid basis in law.”

**Karnataka Power Transmission
Corporation Limited, Represented by MD
(Admin. and HR)
v.
Sri C. Nagaraju & Anr.**

Supreme Court - 16.09.2019

Simultaneous Proceedings

SC: “Para 10 This Court was of the opinion that departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar. However, it is desirable to stay departmental inquiry till conclusion of the criminal case if the departmental proceedings and criminal case are based on identical and similar set of facts and the charge in the criminal case against the delinquent employee is of a grave nature which involves complicated questions of law and fact.”

**Capt. M. Anthony
Vs.
Bharat Gold Mines Ltd. & Anr.**

Supreme Court - 30.03.1999

Simultaneous Proceedings

SC: “In the peculiar circumstances of the case, especially having regard to the fact that the appellant has been undergoing this agony since 1985 despite having been acquitted by the criminal court in 1987, we would not direct any fresh departmental inquiry to be instituted against him on the same set of facts. The appellant shall be reinstated forthwith on the post of Security Officer and shall also be paid entire arrears of salary, together with all allowances from the date of suspension till his reinstatement, within three months. The appellant would also be entitled to his cost which is quantified as Rs.15,000/-.”

Mukesh Kumar & Anr.

V.

The State of Uttarakhand & Ors.

Supreme Court - 07.02.2020

No Fundamental Right to Reservation

It has, inter alia, been held by Hon'ble Supreme Court in the case of Mukesh Kumar & Anr. V. The State of Uttarakhand & Ors. as under:-

“16. ... In view of the law laid down by this Court, there is no doubt that the State Government is not bound to make reservations. There is no fundamental right which inheres in an individual to claim reservation in promotions. No mandamus can be issued by the Court directing the State Government to provide reservations. It is abundantly clear from the judgments of this Court in Indra Sawhney, Ajit Singh (II), M. Nagaraj and Jarnail Singh (supra) that Article 16 (4) and 16 (4-A) are enabling provisions and the collection of quantifiable data showing inadequacy of representation of Scheduled Castes and Scheduled Tribes in public service is a sine qua non for providing reservations in promotions. The data to be collected by the State Government is only to justify reservation to be made in the matter of appointment or promotion to public posts, according to Article 16 (4) and 16 (4-A) of the Constitution. As such, collection of data regarding the inadequate representation of members of the Scheduled Castes and Scheduled Tribes, as noted above, is a prerequisite for providing reservations, and is not required when the State Government decides not to provide reservations. Not being bound to provide reservations in promotions, the State is not required to justify its decision on the basis of quantifiable data, showing that there is adequate representation of members of the Scheduled Castes and Scheduled Tribes in State services. Even if the underrepresentation of Scheduled Castes and Scheduled Tribes in public services is brought to the notice of this Court, no mandamus can be issued by this Court to the State Government to provide reservation in light of the law laid down by this Court in C.A. Rajendran (supra) and Suresh Chand Gautam (supra). Therefore, the direction given by the High Court that the State Government should first collect data regarding the adequacy or inadequacy of representation of Scheduled Castes and Scheduled Tribes in Government services on the basis of which the State Government should take a decision whether or not to provide reservation in promotion is contrary to the law laid down by this Court and is accordingly set aside.”

<p>Ajay Tiwari Vs. University of Delhi and Ors.</p>	<p>Delhi High Court - 25.11.2019</p>
<p>Sexual Harassment</p>	
<p>Delhi HC: “Consent, given under coercion, or without volition, is no consent at all”</p>	
<p>Poonam Garg Vs. IFCI Venture Capital Funds Ltd. through its MD & Ors.</p>	<p>Delhi High Court - 27.09.2019</p>
<p>Voluntary Retirement</p>	
<p>Employees can withdraw requests for voluntary retirement any time before its acceptance. Delhi HC: “... .. the impugned order dated 04.07.2019 rejecting the petitioner’s request for withdrawal of her application for voluntary retirement is quashed. The respondents are directed to treat the petitioner to have validly withdrawn her request for voluntary retirement.”</p>	
<p>Dr. P.S. Malik Vs. High Court of Delhi & Anr.</p>	<p>Delhi High Court - 21.08.2019</p>
<p>Preliminary Enquiry Report of ICC</p>	
<p>SC: “We, thus, are of the view that no prejudice can be held to be caused to the petitioner by non-supply of the Preliminary Inquiry Report dated 05.11.2016. The copy of memo of charge dated 23.02.2017 has been brought on the record, which also clearly indicates that the charge memo does not refer to Preliminary Inquiry Report dated 05.11.2016. Thus, no prejudice can be said to have been caused to the petitioner by non-supply of Report dated 05.11.2016.</p> <p>26. Before we close, we once more make it clear that with regard to the charge memo dated 23.02.2017, inquiry conducted by Internal Complaints Committee culminating into Report dated 09.03.2018, it is open for the petitioner to raise all pleas of facts and law before the appropriate authority.”</p>	

<p>BSNL & Ors.</p> <p>V.</p> <p>Pramod V. Sawant and Anr.</p>	<p>Supreme Court - 19.08.2019</p>
<p>Sanction for Prosecution</p>	
<p>SC: “15. It is, therefore, held that the question of sanction under Section 197, Cr.P.C. with regard to appellants nos.3 and 4 treating them to be ‘public servants’ simply does not arise because of their absorption in the Corporation.” [Sanction for Prosecution]</p>	
<p>Karnataka Power Transmission Corporation Limited, Represented by MD (Admin. and HR)</p> <p>V.</p> <p>Sri C. Nagaraju & Anr. [Simultaneous Proceedings]</p>	<p>Supreme Court - 16.09.2019</p>
<p>Simultaneous Proceedings</p>	
<p>SC: “13. ... It is settled law that the acquittal by a Criminal Court does not preclude a Departmental Inquiry against the delinquent officer. The Disciplinary Authority is not bound by the judgement of the Criminal Court if the evidence that is produced in the Departmental Inquiry is different from that produced during the criminal trial. The object of a Departmental Inquiry is to find out whether the delinquent is guilty of misconduct under the conduct rules for the purpose of determining whether he should be continued in service. The standard of proof in a Departmental Inquiry is not strictly based on the rules of evidence. The order of dismissal which is based on the evidence before the Inquiry Officer in the disciplinary proceedings, which is different from the evidence available to the Criminal Court, is justified and needs no interference by the High Court.” – SC Judgment dated 16.09.2019 – Karnataka Power Transmission Corporation Limited, Represented by MD (Admin. and HR) V. Sri C. Nagaraju & Anr. [Simultaneous Proceedings]</p>	
<p>D.P. Sharma</p> <p>v.</p> <p>BSES Rajdhani Power Limited & Anr.</p>	<p>Delhi High Court - 13.08.2019</p>

Unexplained Delay of 13 Years In Initiating Inquiry Vitiates The Disciplinary Proceedings

Delhi High Court: “In considering, whether, delay was vitiated the disciplinary proceedings, the Court has to consider the nature of charge, its complexity and on what account the delay occurred. If the delay is unexplained, prejudice to the delinquent employee is writ large on the face of it. It could also be seen as to how much disciplinary authority is serious in pursuing the charges against its employee. It is the basic principle of administrative justice that an officer entrusted with a particular job has to perform his duties honestly, efficiently and in accordance with the rules. If he deviates from this path, he is to suffer a penalty prescribed. Normally, the disciplinary proceedings should be allowed to take its course as per relevant rules but then delay defeat the justice. Delay causes prejudice to the charged officer unless it can be shown that he is to blame for the delay or when there is proper explanation for the delay in conducting the disciplinary proceedings. Ultimately, the court is to balance these two diverse considerations. It is further observed in the aforesaid judgement that if the delay is too long and remains unexplained, the court may interfere and quash the charges. However, how long a delay is too long would depend upon the facts of each and every case and if such delay has prejudiced or is likely to prejudice, the delinquent in defending the inquiry ought to be interdicted.”

J.P. Mahajan

Vs.

Governing Body, Kirori Mal College & Anr.

Delhi High Court - 30.07.2019

Departmental Proceeding under the Payment of Gratuity Act

Departmental proceedings under the Payment of Gratuity Act can be initiated against an employee even after his retirement: Delhi High Court.

Rakesh Kumar Garg

V.

Union of India & Ors.

Delhi High Court - 05.07.2019

Non-Filing Of Chargesheet Within 3 Months Cannot Be A Ground For Revoking Suspension Order

Delhi High Court: “11. We may observe that there can be no hard and fast rule that in all cases where the charge sheet is not filed within three months of suspension, the same would mandatorily be revoked. The need for continuation of the same would have to be assessed on the facts of each case. Most relevant would be the nature and substance of allegations; the materials on which the same is founded; the position held by the concerned government officer i.e. whether he is holding a portion of authority and influence, or he is a lower-ranked employee with little or no power to influence others concerned with the matter.

14. The petitioner is a senior, highly ranked government officer and was occupying a high position at the time of his suspension. He was in a position to influence witnesses and tamper with the evidence. He has been released on bail. Pertinently, the petitioner has also not placed before us the order passed by the Court granting him bail which may have, if produced, thrown light on the allegations against the petitioner. Considering all these aspects as well, we are not satisfied that the suspension of the petitioner should not have been continued in the present case.”

**Mahesh Chand Sharma s/o Shri Girraj
Prasad Sharma
vs.
The State of Rajasthan and Ors.**

Rajasthan High Court - 07.03.2019

Adultery

Rajasthan High Court held that the State Government shall not initiate departmental proceedings on the basis of a complaint of any person against a Government servant alleging therein of the said Government servant having an extra-marital relationship with another man or woman whether married or unmarried.

**Niravkumar Dilipbhai Makwana
v.
Gujarat Public Service Commission and
Ors.**

Supreme Court - 04.07.2019

Migration to General Seat

SC: Reserved category candidate can't migrate to general seat after availing age relaxation.

<p>B.K. Pavitra and Ors.</p> <p>v.</p> <p>Union of India and Ors.</p>	<p>Supreme Court - 10.05.2019</p>
<p>Reservation for SCs/ STs in Promotion</p>	
<p>SC: “Finally, it may also be noted that under the Government Order dated 13 April 1999, reservation in promotion in favour of SC’s and ST’s has been provided until the representation for these categories reaches 15 percent and 3 percent, respectively. The State has informed the Court that the above Government Order is applicable to KPTCL and PWD, as well.</p> <p>Conclusion:</p> <p>144. For the above reasons, we have come to the conclusion that the challenge to the constitutional validity of the Reservation Act 2018 is lacking in substance. Following the decision in BK Pavitra I, the State government duly carried out the exercise of collating and analysing data on the compelling factors advertised to by the Constitution Bench in Nagaraj. The Reservation Act 2018 has cured the deficiency which was noticed by BK Pavitra In respect of the Reservation Act2002. The Reservation Act 2018 does not amount to a usurpation of judicial power by the state legislature. It is Nagaraj and Jarnail compliant. The Reservation Act 2018 is a valid exercise of the enabling power conferred by Article 16 (4A) of the Constitution.”</p>	
<p>Jarnail Singh & Others</p> <p>Vs.</p> <p>Lachhmi Narain Gupta & Others</p>	<p>Supreme Court - 26.09.2018</p>
<p>Reservation in Promotions</p>	
<p>“Thus, we conclude that the judgement in Nagaraj (supra) does not need to be referred to a seven–Judge Bench. However, the conclusion in Nagaraj (supra) that the State has to collect quantifiable data showing backwardness of the Scheduled Castes and the Scheduled Tribes, being contrary to the nine-Judge Bench in Indra Sawhney (1) (supra) is held to be invalid to this extent.”</p>	
<p>Union of India & Ors.</p> <p>Vs.</p> <p>Sri Harananda & Ors.</p>	<p>Supreme Court - 05.02.2019</p>

CAPFs an Organised Group “A” Service

SC: “24.2 Considering the aforesaid facts and circumstances and the objects and reasons of the grant of NFFU as recommended by the 6th Pay Commission, when the High Court has observed and consequently directed that the officers in PB-III and PB-IV in the CAPFs are Organised Group “A” Service and, therefore, entitled to the benefits recommended by the 6th Pay Commission by way of NFFU and thereby has directed the Appellants to issue a requisite notification granting the benefits of NFFU as recommended by the 6th Central Pay Commission, it cannot be said that the High Court has committed any error which calls for the interference by this Court. We are in complete agreement with the view taken by the High Court.”

Jaswant Singh
Vs.
Union of India and Anr.

Supreme Court - 10.12.2018

Court Martial; Defending Officer/Friend of the Accused

SC: Army personnel entitled for legal representation during summary court martial.

Vijay Krishan
Vs.
The State Trading Corporation & Ors.

Delhi High Court - 04.10.2018

Gratuity

The employee having been allowed to superannuate in normal course, it was not permissible to withhold his gratuity under the PG Act: Delhi High Court

Union of India & Anr.
Vs.
Rajbir Singh

Supreme Court - 13.02.2015

Pension and Gratuity

SC: “It hardly needs to be emphasised that the executive instructions are not having statutory character and, therefore, cannot be termed as “law” within the meaning of aforesaid Article 300A. On the basis of such a circular, which is not having force of law, the

appellant cannot withhold – even a part of pension or gratuity. As we noticed above, so far as statutory rules are concerned, there is no provision for withholding pension or gratuity in the given situation.”

Bir Singh
Vs.
Delhi Jal Board & Ors.

Supreme Court - 30.08.2018

Benefit of Reservation in the Original State

SC: “... a person who is recognised as a member of Scheduled Castes/Scheduled Tribes in his original State, will be entitled to all the benefits of reservation under the Constitution in that State only and not in other States/Union Territories and not entitled to the benefits of reservation in the migrated State/Union Territory.”

Union Bank of India & Others
Vs.
C.G. Ajay Babu & Another

Supreme Court - 14.08.2018

Gratuity

SC: Forfeiture of Gratuity under Payment of Gratuity Act not automatic on dismissal from service; no forfeiture of gratuity for ‘acts involving moral turpitude’, if not convicted by court of law.

Chairman and Managing Director FCI and Ors.
Vs.
Jagdish Balaram Bahira and Ors.

Supreme Court - 06.07.2017

False Caste Claim

Times of India: “The Supreme Court on Thursday said anyone found guilty of using a forged caste certificate for getting education and employment will lose their degree and their job. In addition, they will also be punished, said the top court.”

Tamilnadu Terminated Full Time
Temporary LIC Employees Association

Supreme Court - 09.08.2016

<p>Vs.</p> <p>S.K. Roy, Chairman, LIC of India & Anr.</p>	
<p>Labour Court/Tribunal Award</p>	
<p>SC: “These temporary and badli workers, who are entitled for regularisation as permanent workmen in terms of our March 18, 2015 judgement by applying the terms and conditions of the modified award of August 26, 1988, passed by Justice Jamdar, are held to be entitled to full back wages. However, keeping in mind the immense financial burden this would cause to LIC, we deem it fit to modify the relief only with regard to the back wages payable and therefore, we award 50% of the back wages with consequential benefits. The back wages must be calculated on the basis of the gross salary of the workmen, applicable as on the date as per the periodical revisions of pay scale as stated supra.”</p>	
<p>Avtar Singh</p> <p>Vs.</p> <p>Union of India & Ors.</p>	<p>Supreme Court - 21.07.2016</p>
<p>Non-disclosure of petty offences</p>	
<p>Hon’ble Supreme Court has ruled that non-disclosure of petty offences of the past, like shouting slogans, in the curriculum vitae should not ordinarily be a ground to deny a job. Other guidelines are also contained in their judgement dated 21.07.2016.</p>	
<p>R.R. Parekh</p> <p>Vs.</p> <p>High Court of Gujarat & Anr.</p>	<p>Supreme Court - 12.07.2016</p>
<p>Disciplinary Action against authorities exercising judicial/quasi-judicial functions</p>	
<p>SC: “The issue which arises in such cases is whether there are circumstances from which an inference that extraneous considerations have acted as a judicial officer can legitimately be drawn. Such an inference cannot obviously be drawn merely from a hypothesis that a decision is erroneous. A wrong decision can yet be a bona fide error of judgement. Inadvertence is consistent with an honest error of judgement. A charge of misconduct against a judicial officer must be distinguished from a purely erroneous decision whether on law or on fact.”</p>	

<p>Rajeev Kumar Gupta & Others</p> <p>Vs.</p> <p>Union of India & Others</p>	<p>Supreme Court - 30.06.2016</p>
<p>Reservation for PWDs and Other Judgements</p>	
<p>SC: "... .. we declare the impugned memoranda as illegal and inconsistent with the 1995 Act. We further direct the Government to extend three percent reservation to PWD in all IDENTIFIED POSTS in Group A and Group B, irrespective of the mode of filling up of such posts."</p>	
<p>CBI, Bank Securities & Fraud Cell</p> <p>Vs.</p> <p>Ramesh Gelli and Others</p>	<p>Supreme Court - 23.02.2016</p>
<p>Prevention of Corruption Act,1988</p>	
<p>According to the Supreme Court, they are of the opinion that the courts below have erred in law in holding that accused Ramesh Gelli and Sridhar Subasri, who were Chairman/Managing Director and Executive Director of GTB (Global Trust Bank) respectively, were not public servants for the purposes of Prevention of Corruption Act, 1988.</p>	
<p>Suresh Chand Gautam</p> <p>Vs.</p> <p>State of Uttar Pradesh & Ors.</p>	<p>Supreme Court - 11.03.2016</p>
<p>Reservation For SCs/STs In Promotion</p>	
<p>SC: "The relief in the present case, when appositely appreciated, tantamounts to a prayer for issue of a mandamus to take a step towards framing of a rule or a regulation for the purpose of reservation for Scheduled Castes and Scheduled Tribes in matter of promotions. In our considered opinion a writ of mandamus of such a nature cannot be issued."</p>	
<p>Chairman & Managing Director, Central Bank of India & Ors.</p> <p>Vs.</p>	<p>Supreme Court - 08.01.2016</p>

<p>Central Bank of India SC/ST Employees Welfare Association & Ors.</p>	
<p>Reservation in Promotion from Scale-I to Scale-II and upward up to Scale-VI in Public Sector Banks</p>	
<p>SC: “ it would be open to the concerned authority, namely, the State and the Banks to consider whether their demand is justified and it is feasible to provide reservation to SC/ST category persons in the matter of promotion in the officers’ category and if so, up to which scale/level.”</p>	
<p>P. Satyanarayan Murthy Vs. The Distt. Inspector of Police and Anr. (Non-Reportable)</p>	<p>Supreme Court - 14.09.2015</p>
<p>Section 13 of the Prevention of Corruption Act</p>	
<p>SC: “... .. the prosecution, in the instant case, has failed to prove unequivocally, the demand of illegal gratification and, thus, we are constrained to hold that it would be wholly un-safe to sustain the conviction of the appellant under Section 13(1)(d)(i)&(ii) read with Section 13(2) of the Act as well. In the end, the appeal succeeds.”</p>	
<p>Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr.</p>	<p>Supreme Court - 16.12.2015</p>
<p>Delay in Disciplinary Proceedings/Inquiry</p>	
<p>SC: “... .. we are of the considered view that every employer (whether State or private) must make sincere endeavour to conclude the departmental inquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within a reasonably extended period depending upon the cause and the nature of inquiry but not more than a year.”</p>	

<p>N. Bhardwaja</p> <p>v.</p> <p>Union of India & Ors.</p>	<p>Delhi High Court - 26.03.2015</p>
<p>Pension</p>	
<p>HC: “Under the circumstances, we hold that the misconduct, if any committed by the petitioner, is not a grave misconduct and thus we quash the penalty levied of 5% cut in pension for a period of six months.”</p>	
<p>Dev Dutt</p> <p>Vs.</p> <p>Union of India & Others</p>	<p>Supreme Court - 12.05.2008</p>
<p>Annual Confidential Report - ACR</p>	
<p>SC: “...If his entry is upgraded the appellant shall be considered for promotion retrospectively by the Departmental Promotion Committee (DPC) within three months thereafter and if the appellant gets selected for promotion retrospectively, he should be given higher pension with arrears of pay and interest @8% per annum till the date of payment.”</p>	
<p>Krishna Hare Gaur</p> <p>Vs.</p> <p>Vinod Kumar Tyagi & Ors.</p>	<p>Supreme Court - 11.02.2015</p>
<p>Appointment on bogus certificates set aside</p>	
<p>Will the principle of <i>Res Judicata</i> apply if the favourable order was obtained by bogus certificate, SC “When the appointment is made de hors the rules, the same is a nullity. In such an eventuality, the statutory bar like doctrine of res judicata is not attracted. The court passing such an order can recall such orders.”</p>	
<p>The Rajasthan State Road Transport Corporation and Ors.</p> <p>Vs.</p> <p>Revat Singh</p>	<p>Supreme Court - 20.02.2015</p>

Compassionate Appointment	
No compassionate appointment without qualification.	
State of Madhya Pradesh Vs. R.D. Sharma and Anr.	Supreme Court - 27.01.2022
Equal Pay for Equal Work Not a Fundamental Right	
<p>The bench of Justice DY Chandrachud and Justice Bela Trivedi held that the equation of post and determination of pay scales is the primary function of the executive and not the judiciary. Therefore courts will not enter the task of job evaluation which is generally left to the expert bodies like the Pay Commission, etc.</p>	
Dr. Subramanian Swamy Vs. Director, CBI & Anr.	Supreme Court - 06.05.2014
Investigation of Corruption Charges against JS and above rank Officers	
<p>The Supreme Court has struck down a single directive provision which barred CBI from investigating corruption charges against joint secretary and above rank officers without prior permission of the Centre.</p>	
K.V.S. Ram Vs. Bangalore Metropolitan Transport Corp.	Supreme Court - 14.01.2015
Judicial Review – Limitations	
<p>Once the Labour Court has exercised the discretion judicially, the High Court can interfere with the award, only if it is satisfied that the award of the Labour Court is vitiated by any fundamental flaws.</p>	
Niravkumar Dilipbhai Makwana Vs. Gujarat Public Service Commission & Ors.	Supreme Court - 04.07.2019

Migration to General Seat

The question for consideration in this appeal is whether a candidate who has availed of an age relaxation in a selection process as a result of belonging to a reserved category, can thereafter seek to be accommodated in/or migrated to the general category seat? “In the state, members of SC/ST/OBC can compete against non-reserved vacancies and be counted against them, in case they have not taken any concession (like that of age, etc.) payment of examination fee in case of direct recruitment” is justified. For that reason mentioned above and due to the decision of the Full Commission meeting dated 21.08.2018 and its extended meeting held on 30.08.2018 mentioning “7(b) Preparation of Merit List for Relaxed Standard: it has been further decided by the Commission that the candidates who will avail relaxed standard of any reserved category at any stage i.e., in written examination(s)/Interview etc. Will be considered only for the merit list for that particular category”.

Nisha Priya Bhatia

Vs.

Union of India & Anr.

Supreme Court - 24.04.2020

Compensation of Rs.1,00,000/ for Improper Handling of Complaint

Hon’ble SC has, inter alia, held –

The impugned order of compulsory retirement passed under Rule 135 against the appellant/petitioner is valid and legal and the decision of the High Court in this regard stands confirmed subject, however, to modification thereof to the extent indicated in the judgement. The respondent(s) (Union of India) was directed to pay compensation of Rs.1,00,000/ to the appellant/petitioner for violation of her fundamental rights to life and dignity as a result of the improper handling of her complaint of sexual harassment.

Rajeev Kumar Gupta & Others

Vs.

Union of India & Others

Supreme Court - 30.06.2016

Reservation for PWDs and Other Judgements

Three percent reservation to PWD in all IDENTIFIED POSTS in Group-A and Group-B, irrespective of the mode of filling up of such posts.

National Legal Services Authority

Vs.

Union of India and others

Supreme Court - 15.04.2014

Reservation for Transgender Persons

Hon'ble Supreme Court has, *inter alia*, directed the Centre and the State Governments to take steps to treat transgender persons as socially and educationally backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments.