

Dr. Y. P. Gupta

Vs

Union of India and Others

Civil Miscellaneous Petition No. 29029 of 1984, in Special Leave Petition No. 2339 of 1975

(D. A. Desai, Ranganath Misra JJ)

24.09.1984

ORDER

1. The present petition is a sequel to our judgment in P. K. Ramachandra Iyer v. Union of India ((1984) 2 SCC 141 : 1984 SCC (L&S) 214). While allowing writ petition and review petition a number of directions were given in that judgment in relation to the contentions raised before the Court.
2. By the present petition, the petitioner contends that the directions given by the Court have not been carried out and further directions are necessary to give full effect to the judgment of this Court. It may be clarified that a petition for directions and not for contempt has been moved. We propose to take note of the legitimate grievances canvassed on behalf of the petitioners by their learned counsel Mr Yogeshwar Prasad.
3. The first grievance voiced is that Dr. Y. P. Gupta was at all material times senior to Dr S. L. Mehta, and that Dr S. L. Mehta illegally scored a march over him. This Court directed that Dr Y. P. Gupta will be put in the same scale in which Dr S. L. Mehta was put right from the very date when Dr S. L. Mehta was awarded higher grade. The direction is specific and unambiguous and ensures for all benefits and all consequence that flow from the direction given to the Union of India. This benefit was given on the basis what has come to be recognised in services jurisprudence as next below rule. Therefore, Dr Y. P. Gupta as per the direction of this Court would be in the same scale as was Dr S. L. Mehta from the date latter was given the higher scale. Necessary consequence of being put in the higher scale from the relevant date Dr Y. P. Gupta for all purposes would be senior to Dr. S. L. Mehta. We declare the seniority of Dr Y. P. Gupta and nothing is contended to the contrary. The respondents shall carry out this direction.
4. The second grievance is more sentimental but less sensible. The contention is that Dr Y. P. Gupta was removed from the membership of the Post-Graduate Faculty of IARI on May 3, 1971. Mr. Lokur, learned counsel who appeared for the ICAR had frankly stated that Dr Y. P. Gupta will be restored to the membership of the Faculty. Dr Y. S. Chitale, learned counsel for the ICAR now states that Dr Y. P. Gupta has been admitted to that membership from April 18, 1978. This must satisfy Dr Y. P. Gupta. No further direction in this behalf is necessary. It may be clarified that the removal from membership being set aside no stigma attached to Dr Gupta and if there be any Dr Chitale states that the same is washed away by the unconditional readmission. The petition is disposed of with these clarifications with no order as to costs.

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