

SUPREME COURT OF INDIA

Jivanlal

Vs.

Pravin Krishna, Principal Secretary & Ors.

C.A.No.12080 of 2016

(Kurian Joseph and R.F.Nariman,JJ.,)

14.12.2016

JUDGMENT

Kurian Joseph,J.,

SLP(Civil)No.920 of 2016

1. Leave granted.
2. The appellants have prayed for regularization of their services with effect from the date they completed 10 years of service. Main reliance is placed on the orders passed by the respondents in the case of similarly situated persons.
3. The learned counsel for the respondents has vehemently contended that all the regularization orders passed in the case of those pointed out by the appellants are illegal since the State, in principle, had decided to discontinue the appointment to the post of Sweepers by order dated 10.12.1997. However, the fact remains that after the said order also, many similarly situated persons have been granted regularization with effect from the date of completion of 10 years of service.
4. In that view of the matter, we do not find any justification in discriminating the appellants herein. The policy had been violated in many cases. There cannot be any pick and choose policy; it would certainly lead to corruption. Hence, the appeals are allowed with a direction to the respondents to grant similar treatment to the appellants herein as well and grant regularization to them with effect from the date of completion of 10 years of service.
5. The needful shall be done within two months. Consequential benefits, if any, shall be disbursed within another one month.

6. It is made clear that in case the disbursement is not done within the period mentioned above, the appellants shall be entitled to interest at the rate of 12% and the official(s) responsible for the delay will be personally liable for the same.

7. No costs.