

SUPREME COURT OF INDIA

Manish Kathuria

Vs.

State of Punjab

C.A.No.21848-21850/2017

(Kurian Joseph and Amitava Roy,JJ.,)

13.12.2017

JUDGMENT

Kurian Joseph,J.,

SLP(Civil)No.1842-1844 of 2017

1. Leave granted.
2. I.A. No.68830/2017 is allowed, in terms of the prayer made.
3. The appellants are before this Court, aggrieved by the judgment dated 30.09.2016 passed by the High Court of Punjab and Haryana at Chandigarh in LPA Nos.1395, 1398, 1400 and 1396 of 2015. The High Court took the stand that the appellants are not entitled for appointment, since their claim is highly belated. However, the fact remains that the appellants had before this Court seeking impleadment when the special leave petitions were pending before this Court. It was this Court which relegated them to pursue their remedy before the High Court. True, some of the appellants had already filed special leave petition(s).
5. Be that as it may, when this matter came up for hearing before this Court on 07.12.2017, we directed the counsel for the State of Punjab to get instruction as to the availability of the vacancies and as to whether the appellants are otherwise qualified, going by the Report of the Committee appointed by the High Court. This order was passed on the basis of the information that there were unfilled vacancies available as against notified vacancies in the post of Excise and Taxation Inspector.
6. Learned counsel for the State of Punjab has made available a written instruction to the effect that there are 12 vacancies as against the 1999 Notification (SC-05, BC-03, ESM-3 and Gen-03). However, it is also not disputed that as of now, there are 76 vacancies available in various categories as can be seen from the affidavit filed by the State.

7. Having heard the learned counsel on both the sides and having regard to the fact that the vacancies are available as of now to accommodate the appellants and also having regard to the fact that the appellants have been found otherwise qualified by the Committee appointed by the High Court, we are of the view that this is a fit case for invocation of our jurisdiction under Article 142 of the Constitution of India for doing complete justice.

8. Accordingly, these appeals are disposed of with a direction to the respondents to appoint the appellants to the post of Excise and Taxation Inspector, within a period of one month from today, without disturbing any appointments already made, while applying the principle of horizontal reservation. In order to avoid any future litigation, we make it clear that the appellants shall be entitled to seniority only from the date of joining the service.

9. We make it clear that though the appellants have filed their affidavits regarding qualification in computer application, it will be open to the appointing authority to verify that qualification at the time of appointment.

10. We also make it clear that this judgment is rendered in the peculiar facts of this case and it should not be quoted as a precedent.

11. The appeals are, accordingly, disposed of.

12. Pending applications, if any, shall stand disposed of.

13. There shall be no orders as to costs.