

SUPREME COURT OF INDIA

S.G.Barapatre

Vs.

Shri Ananta Gajanan Gaiki

C.A.No.10387-10388/2018

(Kurian Joseph and S.Abdul Nazeer,JJ.,)

10.10.2018

JUDGMENT

Kurian Joseph,J.,

SLP(C)No.18555-18556/2018

1. Leave granted.
2. Permission to file special leave petition(s) is granted.
3. The appellants are before this Court, aggrieved by the orders dated 13.04.2018 in Writ Petition No.6740/2016 and dated 4.5.2018 in Review Application No.491 of 2018 in W.P. No.6740 of 2016 passed by the High Court of Judicature at Bombay, Bench at Nagpur.
4. Some of the appellants are parties before the High Court. The appellants had declined to subject themselves to caste scrutiny and, therefore, pursuant to the directions of the High Court their services are to be discontinued and their payments or dues are not to be released. The High Court further directed to recover the payments already made. The relevant paragraphs are set out below:-

"65. The Food Corporation of India or the Reserve Bank of India shall forthwith discontinue and not release any payments or dues to the Respondent employees before this Court who have given up their castes and were/are still continued by them.

66. The Food Corporation of India or the Reserve Bank of India shallalso initiate necessary steps within next two months to recover payments or dues released, from the Respondent employees before this Court who have given up caste claim."

5. However, we find that the very same issue was subject matter of consideration by the High Court leading to the judgment dated 1.11.2012 in Writ Petition No.5198/2009 and connected cases, in the case of appellants herein.

6. In paragraph 18 of the judgment, the Division Bench of the High Court held as under:-

"18. In that view of the matter, we find that the petitioners are entitled to limited relief, that they are praying for. In the result, the impugned show cause notices are quashed and set aside. It is declared that the petitioners would be entitled to protection of their appointments. It is further declared that if any benefits are granted after 28.11.2000 on the basis that they belong to Scheduled Tribes, the respondent Authorities are at liberty to withdraw the said benefits and restore the position as on 28.11.2000. The respondents to take further necessary steps in accordance therewith."

7. The Employer, namely, Food Corporation of India challenged that order and filed special leave petition(s) before this Court, which was dismissed by order dated 12.04.2013. Review Petition(s) was also attempted and the same was also dismissed by order dated 26.02.2014.

8. Therefore, the said judgment qua the employees, who were parties to those writ petitions have become final. The benefits which have been granted, as per the judgment specifically referred to in paragraph 18 of the judgment, which is extracted above, cannot be taken away in collateral proceedings.

9. We make it clear that the employees covered by the said judgment shall only be entitled to the benefits which have been granted specifically in paragraph 18 of the judgment referred to above. For all purposes, those people will get themselves arrayed in the general category as on 28.11.2000 and placed below the last of the general category candidate as on that date.

10. The impugned orders will stand modified to the above extent. The appeals are, accordingly, disposed of.

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

12. There shall be no orders as to costs.