



2019 INSC 1168

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

M.A. NO.712/2019 IN CIVIL APPEAL NO.1474/2019

Union of India and others ...Appellants

Versus

Sri Harananda and others ...Respondents

In the matter of:

Sunil Kumar Singh ...Applicant

WITH

M.A. NO.774/2019 IN S.L.P. ...CC NO.5738/2016

ORDER

M.R. SHAH, J.

M.A. NO.712/2019 IN CIVIL APPEAL NO.1474/2019

M.A. No. 712 of 2019 in Civil Appeal No. 1474 of 2019 has been preferred at the behest of the Ministry of Home Affairs, Union of India, for the following reliefs:

“allow the present application seeking modification of the order dated 05.02.2019 in Civil Appeal No. 1474 of 2019 arising out of S.L.P.(Civil) No. 12393 of 2013 and other related Appeals to the effect that the reference to SLP 12393/2013 as reflected in the third line from top of para 26 shall be read after correction as SLP 35548-35554 of 2015 and thereafter wherever the mention has been made to RPF, the same shall be read as CAPFs under the Ministry of Home Affairs.”

2. Having heard the learned counsel for the respective parties, the prayer is allowed. Necessary corrections be made, as prayed.
3. M.A. No. 712 of 2019 stands allowed accordingly.

M.A. NO.774/2019 IN S.L.P. ...CC NO.5738/2016

M.A. No. 774 of 2019 has been preferred by the Indian Police Service Central Association for an appropriate order to clarify Judgment and Order dated 5.2.2019, to the extent that the right of the IPS Officers for deputation, in terms of the recruitment rules, in the various CAPF are not impacted merely by grant of Organised Group 'A' Central Services to the CAPF's.

2. We have heard the learned counsel for the respective parties.
3. At the outset, it is required to be noted that the controversy before this Court in the main appeals was with respect to grant of

Organised Group 'A' Central Services to the RPF & CAPF's, arising out of the respective judgments and orders passed by the High Court holding that the RPF officers and CAPFs are entitled to grant of Organised Group 'A' Central Services. There was no issue before this Court with respect to any of the rights of the IPS Officers for deputation in CAPF. No observations are made by this Court in the Judgment sought to be clarified with respect to right of the IPS Officers for deputation, in terms of the recruitment rules, if any, in the various CAPFs. Therefore, when the said controversy was not there, there is no question of any clarification as sought by the application. Even otherwise, it is required to be noted that in paragraph 26 in the Judgment and Order sought to be clarified, it is specifically mentioned that by granting Organised Group 'A' Central Services to the RPF (it should be read as CAPF), the rights of the IPS, if any, for their appointment on deputation on some of the posts cannot be said to have affected. Therefore, in view of the specific clarification/observations made in paragraph 26 of Judgment dated 05.02.2019, no further clarification is required. Still, it is observed that while deciding the appeals, this Court has made no observations with respect to the right of the IPS Officers for

deputation, in terms of the recruitment rules, if any, as the same was not the controversy and/or issue before this Court and the decision of this Court shall be construed with respect to grant of Organised Group 'A' Central Services only. With this, the present application stands disposed of. All other interlocutory applications are also disposed of accordingly.

.....J.
[ROHINTON FALI NARIMAN]

NEW DELHI;
OCTOBER 18, 2019.

.....J.
[M.R. SHAH]