

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 2317 OF 2011

STATE OF PUNJAB & ORS.

Appellants

VERSUS

DAVINDER SINGH & ORS.

Respondents

O R D E R

Learned counsel for the respondent

heavily relies upon the Constitution

Bench

decision of this Court in E.V. Chinnaiah

Vs.

State of A.P. and others¹.

2. On the other hand, learned Additional

tional

Solicitor General for the appellants, submits that

E.V. Chinnaiah¹ has no application

on the

controversy in hand. Moreover, he submits

that

E.V. Chinnaiah¹ is not in accord with the 9-Judge

Bench decision of this Court in Indra Sawhney and

others Vs. Union of India and others².

3. Having heard learned Additional Solicitor

olicitor

General and learned counsel for the parties, we

are of the view that E.V. Chinnaiah¹ needs to be

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Rajesh Dham
Date: 2014.08.23
11:59:54 IST

revisited in light of Article 338

of the

Reason:

Constitution of India and, inter

alia, exposit

ion

¹
(2005) 1 SCC 394

²
1992 Supp (3) SCC 217

of law in Indra Sawhney².

4. Moreover, the matter also involves interpretation and interplay between Article 16(1), Article 16(4), Article 338 and Article 341 of the Constitution of India as well.

5. In this view of the matter, we refer the matter for consideration of the above aspects by the larger Bench.

6. Let the matter be placed before the Chief Justice on administrative side for appropriate order.

.....CJI.
(R.M. LODHA)

.....J.
(KURIAN JOSEPH)

NEW DELHI;J.
AUGUST 20, 2014 (ROHINTON FALI NARIMAN)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5586 OF 2010

HARYANA DHANAK SEWA SAMITI

Appellant(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 5589 OF 2010

CIVIL APPEAL NO. 5597 OF 2010

CIVIL APPEAL NO. 5593 OF 2010

CIVIL APPEAL NO. 5598 OF 2010

CIVIL APPEAL NO. 5600 OF 2010

CIVIL APPEAL NOS. 5595-5596 OF 2010

CIVIL APPEAL NO. 5587 OF 2010

SPECIAL LEAVE PETITION (CIVIL) NO. 30766 OF 2010

TRANSFERRED CASE (CIVIL) NO. 37 OF 2011

TRANSFERRED CASE (CIVIL) NO. 38 OF 2011

CIVIL APPEAL NO. 2318 OF 2011

CIVIL APPEAL NO. 2324 OF 2011

SPECIAL LEAVE PETITION (CIVIL) NOS. 5454-5459 OF 2011

SPECIAL LEAVE PETITION (CIVIL) NO. 8701 OF 2011

SPECIAL LEAVE PETITION (CIVIL) NOS. 36500-36501 OF 2011

CIVIL APPEAL NO. 289 OF 2014

O R D E R

Learned senior counsel and learned counsel

for the parties submit that the issues involved in :2:

these matters are identical with the issues involved in Civil Appeal No. 2317 of 2011.

2. In terms of the separate order passed by us today in Civil Appeal No. 2317 of 2011 referring the matter for consideration by the larger Bench, these matters also need to be referred to the larger Bench for consideration of constitutional questions noted in that order. We order accordingly.

3. Let these matters be placed before the Chief Justice on administrative side for appropriate order.

.....CJI.
(R.M. LODHA)

.....J.
(KURIAN JOSEPH)

NEW DELHI;J.
AUGUST 20, 2014 (ROHINTON FALI NARIMAN)
:1:

ITEM NOS.101 + 121 COURT NO.1 SECTION IV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 5586/2010

HARYANA DHANAK SEWA SAMITI Appellant(s)

VERSUS

(with appln. (s) for impleadment as party respondent and impleadment as party respondent and impleadment as party respondent and substitution and c/delay in filing substitution appln. and exemption from filing O.T. and office report)

WITH

C.A. No. 5589/2010
(With appln.(s) for substitution and c/delay in filing substitution appln and exemption from filing O.T. and impleadment as party respondent)

C.A. No. 5597/2010
(With appln.(s) for impleadment as party respondent and substitution and c/delay in filing substitution appln and exemption from filing O.T.)

C.A. No. 5593/2010
(With appln.(s) for impleadment as party respondent and substitution and c/delay in filing substitution appln and exemption from filing O.T.)

C.A. No. 5598/2010
(With appln.(s) for impleadment as party respondent and substitution and exemption from filing O.T.)

C.A. No. 5600/2010
(With appln.(s) for impleadment as party respondent and office report)

C.A. No. 5595-5596/2010

C.A. No. 5587/2010
(With appln.(s) for impleadment as party respondent and substitution and c/delay in filing substitution appln and exemption from filing O.T.)

:2:

C.A. No. 2317/2011
(with appln.(s) for early hearing and impleadment and intervention and vacating stay and office report)

SLP(C) No. 30766/2010
(With Interim Relief and Office Report)

T.C.(C) No. 37/2011

T.C.(C) No. 38/2011

C.A. No. 2318/2011
(With Office Report)

C.A. No. 2324/2011
(With appln.(s) for c/delay in filing SLP and intervention)

SLP(C) No. 5454-5459/2011
(With appln.(s) for permission to file additional documents and Interim Relief)

SLP(C) No. 8701/2011
(With Interim Relief and Office Report)

SLP(C) No. 36500-36501/2011
(With appln.(s) for c/delay in filing SLP and c/delay in refiling SLP and Interim Relief and Office Report)

C.A. No. 289/2014
(With Office Report)

Date : 20/08/2014 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Appellant(s)

Mr. L. Nageswara Rao, A.S.G.
Mr. Ajay Bansal, A.A.G.
Mr. Gourav Yadav, Adv.
Mr. Kuldip Singh, Adv.
Mr. Gurbachan Singh, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Shivraj Gaonkar, Adv.
Mr. Nayank Pandey, Adv.

Mr. B. K. Satija, Adv.
:3:

Mr. R. Venkataramani, Sr. Adv.
Mr. Vinay Kumar Garg, Adv.
Mr. Neeraj Kr. Sharma, Adv.
Ms. Neelam Singh, Adv.
Mr. Shodhan Babu, Adv.
Mr. Yashraj Bundela, Adv.
Mr. Rakesh Mishra, Adv.

Mr. R. Venkataramani, Sr. Adv.
Mr. Rakesh K. Khanna, Sr. Adv.
Mr. Vinay Kumar Garg, Adv.
Ms. Seema Rao, Adv.
Mr. Mohit Nagar, Adv.
Ms. Shefali Jain, Adv.

Mr. Rakesh Mishra, Adv.

Mr. P.N. Misra, Sr. Adv.
Mr. Manjit Singh, A.A.G.
Ms. Vivekta Singh, Adv.
Ms. Nupur Choudhary, Adv.
Mr. Kamal Mohan Gupta, Adv.

Mr. R. D. Upadhyay, Adv.

Mr. Kuldip Singh, Adv.

Mr. Manoj Swarup, Adv.
Mr. Karan Kapoor, Adv.
Mr. Rohit Kumar Singh, Adv.

Ms. Roopa Paul, Adv.
Mr. S.C. Paul, Adv.
Mr. Satyendra Kumar, Adv.

Mr. Ajay Pal, Adv.

Mr. Khwairakpam Nobin Singh, Adv.

Mr. Jagjit Singh Chhabra, Adv.

For Respondent(s)

Mr. A. Subba Rao, Adv.
Ms. Niranjana Singh, Adv.

Mr. Ram Bhaj, Adv.

Mr. L. Nageswara Rao, A.S.G.
Mr. Ajay Bansal, A.A.G.
Mr. Gourav Yadav, Adv.
Mr. Kuldip Singh, Adv.

Mr. Jagjit Singh Chhabra ,Adv.

:4:

Mr. Manjit Singh, A.A.G.
Ms. Vivekta Singh, Adv.
Ms. Nupur Choudhary, Adv.
Mr. Kamal Mohan Gupta ,Adv.

Dr. K.S. Chauhan, Adv.
Mr. P. K. Jayakrishnan ,Adv.
Mr. Ajit K. Ekka, Adv.
Mr. Ravi Prakash, Adv.

Mr. S.C. Paul, Adv.
Ms. Roopa Paul, Adv.
Ms. Rekha Pandey ,Adv.

Mr. Brij Bhusan, Adv.

Mr. Shiv Pujan Singh, Adv.

Mr. Parmanand Pandey ,Adv.

Mr. S.C. Paul, Adv.
Mr. Resham Singh, Adv.
Mr. Satyendra Kumar ,Adv.

Mr. S.C. Paul, Adv.
Ms. Roopa Paul, Adv.
Mr. Satyendra Kumar ,Adv.

Mr. Resham Singh, Adv.
Mr. Satyendra Kumar ,Adv.

Ms. Naresh Bakshi ,Adv.

Ms. S. Janani ,Adv.

M/s. Mahalakshmi Balaji & Co.

Mr. R.K. Gupta, Adv.
Mr. Shekhar Kumar ,Adv.
Mr. B.P. Gupta, Adv.

Mr. Vipin Kumar Jai ,Adv.

Mr. P. Soma Sundaram ,Adv.

Mr. Tushar Bakshi ,Adv.

:5:

Mr. Debasis Misra ,Adv.

Mr. Rahul Gupta, Adv.

Mr. Rakesh Dahiya, Adv.

Mr. R.V. Kameshwaran, Adv.

Mr. Prabhash Kr. Yadav, Adv.
Mr. Bankey Bihari Sharma ,Adv.

UPON hearing the counsel the Court made the following
O R D E R

CIVIL APPEAL NO. 2317 OF 2011

In terms of the signed order, the matter is referred to the larger Bench.

Let the matter be placed before Hon'ble the Chief Justice on administrative side for appropriate order.

CIVIL APPEAL NO. 5586 OF 2010; CIVIL APPEAL NO. 5589 OF 2010; CIVIL APPEAL NO. 5597 OF 2010; CIVIL APPEAL NO. 5593 OF 2010; CIVIL APPEAL NO. 5598 OF 2010; CIVIL APPEAL NO. 5600 OF 2010; CIVIL APPEAL NO. 5595-5596 OF 2010; CIVIL APPEAL NO. 5587 OF 2010; SPECIAL LEAVE PETITION (CIVIL) NO. 30766 OF 2010; TRANSFERRED CASE (CIVIL) NO. 37 OF 2011; TRANSFERRED CASE (CIVIL) NO. 38 OF 2011; CIVIL APPEAL NO. 2318 OF 2011; CIVIL APPEAL NO. 2324 OF 2011; SPECIAL LEAVE PETITION (CIVIL) NOS. 5454-5459 OF 2011; SPECIAL LEAVE PETITION (CIVIL) NO. 8701 OF 2011; SPECIAL LEAVE PETITION (CIVIL) NOS. 36500-36501 OF 2011 AND CIVIL APPEAL NO. 289 OF 2014

In terms of the separate order passed today in Civil Appeal No. 2317 of 2011 referring the matter to :6:

the larger Bench, these matters are also referred to the larger Bench as per signed order.

Let these matters be placed before Hon'ble the Chief Justice on administrative side for appropriate order.

(RAJESH DHAM)
COURT MASTER

(RENU DIWAN)
COURT MASTER

(two signed orders are placed on the file)