

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7946 OF 2012
(SPECIAL LEAVE PETITION(CIVIL)NO.8440 OF 2012)

AJMER ZILLA DUGDH UTPADAK SAHAKARI
SANGH & ANR.

APPELLANTS

VERSUS

AJMER ZILLA DAIRY EMPLOYEES UNION &ORS.

RESPONDENTS

WITH

CIVIL APPEAL NO. 7947 OF 2012 @ S.L.P.(C)NO.
9457/2012

CIVIL APPEAL NO. 7948-7950 OF 2012 @ S.L.P.(C)NOS.
10407-10409/2012

O R D E R

1. No orders on application for impleadment in
C.A.@S.L.P.(C)No.9457/2012.

2. Leave granted in all the Special Leave Petitions.

3. These appeals are directed against the common
judgment and dated order dated 23.12.2011 passed
by the High Court of Judicature of Rajasthan at

Jodhpur in S.B.Civil Writ Petition No.9818, 9822, 3658, 3940 and 11864/2011.

4. We have heard Mr.P.P.Rao and Mr.Dushyant Dave, learned senior counsel for the appellants in Civil Appeals @ S.L.P.(C)Nos.8440 and 9457 of 2012 and Ms.Madhurima Tatia, learned counsel for the appellant in Civil Appeal @S.L.P.(C)Nos.10407-10409/2012 and Mr.Sushil Kumar Jain, learned counsel for the respondents in Civil Appeals @ S.L.P.(C)Nos.8440 and 9457 of 2012 and Mr.M.R.Calla, learned senior counsel for the respondents in Civil Appeals @ S.L.P.(C)Nos.10407-10409/2012.

5. Taking into consideration the peculiar facts and circumstances of these cases, we modify the order of the High Court and direct the *Ajmer Zilla Dughdh Utpadak Sahakari Sangh, Rajasthan Co-operative Dairy Federation Ltd. and Paschimi Rajasthan Dugadh Utpadak Sahakari Sangh Ltd.* to re-consider the issue of enhancement of age from 58 years to 60 years bearing in mind the

communication of the Registrar, Co-operative Societies, dated 17.09.2008 and the clarification made thereof.

6. It is made clear that we have not expressed any opinion in regard to the merit of the claim and it shall be open for the Federation and the Societies aforesaid to take a final decision without being influenced by the earlier decision of the High Court. The question of maintainability and other issues is also left open to be decided in an appropriate case.

7. With these observations, the appeals are disposed of. No costs.

.....J.
(H.L. DATTU)

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
NOVEMBER 08, 2012

JUDGMENT