

ITEM NO.16

COURT NO.3 SECTION XII-A  
(HEARING THROUGH VIDEO CONFERENCING)S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.9820/2020

(Arising out of impugned final judgment and order dated 21-04-2020  
in WP No.2/2019 passed by the High Court For The State Of Telangana  
At Hyderabad)

STATE OF TELANGANA &amp; ORS.

Petitioner(s)

VERSUS

G. SUDHAKAR REDDY

Respondent(s)

(IA No.85371/2020 - FOR EXEMPTION FROM FILING AFFIDAVIT; IA  
No.79798/2020 - FOR EXEMPTION FROM FILING AFFIDAVIT; IA  
No.79794/2020 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT; IA No.96402/2020 - FOR PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES; and, IA No.85366/2020 - FOR PERMISSION  
TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 26-11-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE VINEET SARAN  
HON'BLE MR. JUSTICE S. RAVINDRA BHATFor Petitioner(s) Mr. Aman Lekhi, ASG  
Mr. P. Venkat Reddy, Adv.  
Mr. Prashant Tyagi, Adv.  
Mr. Ritwiz, Adv.  
Mr. P. Srinivas Reddy, Adv.  
M/s. Venkat Palwai Law Associates, AORFor Respondent(s) Mr. Siddharth Dave, Sr. Adv.  
Mr. Harsha Peechara, Adv.  
Mr. Ashish Kumar Tiwari , AORUPON hearing the counsel the Court made the following  
O R D E RThe order presently under challenge primarily dealt with  
submissions touching upon the effect of disciplinary proceedings  
initiated against the respondent. Accepting submissions of the

respondent, following directions were issued by the High Court in paragraph 81:-

"For all the aforesaid reasons, Writ Petition is allowed; the impugned order G.O.Rt. No.131 Home (Ser.I) Dept. dt.3.2.2020 passed by the 1<sup>st</sup> respondent is set aside; a Writ of mandamus is issued to the respondents to notionally promote petitioner to the posts of Inspector of Police w.e.f. 11.4.1984, DSP (Civil) w.e.f. 1.8.1998, Addl. SP (Civil) w.e.f. 23.7.2005 and SP (NC) w.e.f. 1.9.2008 as per the approved panels vide G.O.Ms. No.187 dt.29.11.2018, G.O.Ms. No.180 dt.16.11.2018 and G.O.Ms. No.200 dt.14.12.2018 respectively with consequential benefits of fixation of pay, payment of arrears, fixation of pension and payment of pensionary dues etc; petitioner is declared entitled to full pension and other benefits treating his service as blemishless as if he retired as SP (NC); and the 1<sup>st</sup> respondent shall also pay him arrears of pension from the respective dates since his date of retirement and also other benefits payable to him from his date of retirement with interest at 9% till date of payment while six (06) weeks; and costs of Rs.50,000/- shall also be paid to him by the 1<sup>st</sup> respondent."

While issuing notice, vide order dated 02.09.2020, the submission of the petitioner that the directions issued in aforesaid para 81 needed modification was recorded. The matter was thereafter heard on few occasions and in terms of interim directions issued by this Court, a sum of Rs.47,03,438/- has been made over to the respondent. It is accepted by the learned Additional Solicitor General that over and above what has been made over to the respondent, his entitlement, according to the petitioner, is also to the extent of Rs.6,00,000/- (Rupees Six Lakhs Only) which he agrees to make over to the respondent within four weeks from today.

On the other hand, the submission of the respondent has been that he was entitled to certain promotions in terms of GOs dated 29.11.2018, 16.11.2018 and 14.12.2018 and accordingly, his

entitlement would be in excess of what has been made over to him.

Learned Additional Solicitor General has submitted that the issues concerning seniority are presently pending consideration before the High Court in Writ Petition Nos.35891/2018, 37260/2018 and 38224/2018 and other connected matters. It is further submitted that whether the respondent was entitled to promotion would be an issue dependent upon the question whether he was entitled to any seniority. In other words, for assessing whether the respondent was entitled to the levels of promotions as projected by him, the consideration of elements including seniority of the respondent would be a relevant input on the basis of which the final conclusion can be arrived at. Since the matters are pending consideration before the High Court, it is submitted that at this juncture, it will not be possible to grant any benefit in terms of directions issued by the High Court in paragraph 81. It is also submitted that in any case, the relevant consideration for promotion would be merit-cum-seniority and not mere length of service.

Mr. Siddharth Dave, learned Senior Advocate for the respondent relied upon the order dated 02.09.2020 of this Court to submit that notice was issued limited to certain issues as indicated in said order and, therefore, the scope of the matter need not be expanded at this stage.

Having considered the rival submissions, in our view, the additional benefits that the respondent is pressing for, will naturally depend upon whether as a matter of right, he was entitled to next levels of promotions which in turn may depend upon the

litigations presently under consideration before the High Court. It will, therefore, not be just and proper at this stage to confer the advantages in terms of the directions issued in paragraph 81 of the judgment of the High Court.

We, therefore, grant liberty to the respondent either to implead himself in the pending litigations or to institute any appropriate proceedings to make good his submission that he is entitled to certain benefits in addition to those which have been granted to him in terms of interim directions issued by this Court.

The directions in paragraph 81 of the judgment of the High Court shall stand modified to the extent indicated above.

With the aforesaid observations, this Special Leave Petition is disposed of. No costs.

Pending applications, if any, also stand disposed of.

(MUKESH NASA)  
COURT MASTER

(PRADEEP KUMAR)  
BRANCH OFFICER