

ITEM NO.11

COURT NO.12

SECTION IV-B

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

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SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 27054/2019

(Arising out of impugned final judgment and order dated 19-11-2018 in CWP No. 4531/2018 22-07-2019 in RACW No. 55/2019 passed by the High Court Of Punjab & Haryana At Chandigarh)

ARUN KUMAR

Petitioner(s)

VERSUS

UNION TERRITORY CHANDIGARH & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.117438/2019-CONDONATION OF DELAY IN FILING and IA No.117439/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 16-08-2019 These petitions were called on
for hearing today.

CORAM :

HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Neeraj Kumar Jain, Sr. Adv.
Mr. Aniket Jain, Adv.
Mr. Umang Shankar, AOR

For Respondent(s)

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

Delay condoned.

The petitioner and one Sunita Devi were recommended for promotion and were promoted to the post of Senior Assistant of the Hospitality Department of respondent No. 1 by an order dated 21.11.2018.

The promotion order was cancelled. The cancellation was challenged both by Sunita Devi and the petitioner by initiation of separate proceedings

before the Central Administrative Tribunal (CAT).

Sunita Devi succeeded but the application initiated by the petitioner was dismissed on the ground of non availability of post. A Writ Petition filed by the petitioner was dismissed, whereupon the petitioner filed a special leave petition. Before this Court it was contended that there was a third post available at the relevant time, whereupon this Court disposed of the special leave petition giving opportunity to the petitioner to file an application for review in the High Court. There is no reference to the order of this Court in the order of the High Court impugned before us. The High Court has, however, directed the respondent(s) to consider the case of the petitioner for promotion as and when any post is available. If as contended by the petitioner, any third post was available at the relevant time, the petitioner would get the relief. The petitioner cannot have any claim for promotion, if there was no vacant post.

The special leave petitions are not entertained and are dismissed accordingly.

Pending application stands disposed of.

[CHARANJEET KAUR]
A.R. - CUM - P.S.

[INDU KUMARI POKHRIYAL]
ASSTT. REGISTRAR