

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 569-571 OF 2017

(Arising out of SLP (C) Nos.33769-33771 of 2016)

NTPC LTD. AND ORS.

Petitioner(s)

VERSUS

RAVINDRA KUMAR SOOD

Respondent(s)

WITH

CIVIL APPEAL NOS. _____ OF 2017

(Arising out of SLP (C) Nos.33774-33776 of 2016)

O R D E R

Leave granted in all the special leave petitions.

Being grieved by the common judgment and order dated 18.11.2015 passed in LPA Nos.684, 685 and 731 of 2011, the appeal, by special leave, have been preferred. The Division Bench of the High Court, while dealing with the intra-court appeal, has directed as follows :

"91 The net result of above discussion is as follows :

- a) LPA No.684/2011 filed by Mr. Sood is allowed with the relief that Mr. Sood is held entitled to be promoted to the post of Junior Controller with effect from the date the person immediately junior to him was promoted; Controller Grade-II with effect from the date the person immediately junior to him was promoted; Supervisor Grade-I with effect from the date the person immediately junior to him was promoted; Assistant Engineer with effect from with effect from the date the person immediately junior to

him was promoted and Sr. Assistant Engineer with effect from the date the person immediately junior to him was promoted. (We are not directing Review DPCs to be held because admittedly at the relevant DPCs Mr. Sood was empanelled for promotion but the empanelment was not given effect to because of the pendency of the disciplinary proceedings)

- b) LPA No.685/2011 filed by Mr. Sood is allowed with the relief that show cause notice dated November 03, 1998 issued by Reviewing Authority to Mr. Sood is quashed.
- c) LPA No.731/2011 filed by NTPC is dismissed."

Thereafter, the NTPC filed Review Petition No.590 of 2015 in LPA No.684 of 2011 and the employee filed Review Petition No.78 of 2016 in LPA No.684 of 2011 which have been disposed of by the Division Bench vide common order dated May 2, 2016. The High Court, after hearing the learned counsel for the parties, modified paragraph 91(a) as follows :

"91(a) LPA No.684/2011 filed by Mr. Sood is allowed with the relief that Mr. Sood is held entitled to be promoted to the post of Junior Controller with effect from the date the person immediately junior to him was promoted; Controller Grade-II with effect from the date the person immediately junior to him was promoted; Supervisor Grade-I with effect from the date the person immediately junior to him was promoted. But as regards entitlement to be promoted as Controller Grade II and Supervisor Grade I, reckoning his seniority to the posts of Controller Grade II and Supervisor Grade I in terms of the directions issued concerning said posts, reckoning petitioner's seniority for the purposes of eligibility qua zone of consideration review DPC be held for the post of Assistant Engineer when person immediately junior was considered by treating the person as within the zone of consideration and if promoted the benefit of

seniority be ante-dated as also consequential benefits of deemed promotion except actual wages and thereafter another review DPC be held for the post of Senior Assistant Engineer and directions qua the post of Assistant Engineer be read as applicable to said post as well. (We are not directing Review DPCs to be held because admittedly at the relevant DPCs Mr. Sood was empanelled for promotion but the empanelment was not given effect to because of the pendency of the disciplinary proceedings).

Having heard learned counsel for the parties, we are only inclined to modify the order passed in the review petition, as the High Court has modified substantially the order passed in the LPAs. The modifications, as we think to be appropriate, are as under :-

- (a) Mr. Ravindra Kumar Sood, the respondent in SLP (C) Nos.33769-33717 of 2016, shall be given promotion as directed by the High Court to the post of Junior Controller; Controller Grade-II; and Supervisor Grade-I with effect from the date the person immediately junior to him was promoted in respective cadres. As far as promotion to the post of Assistant Engineer is concerned, the direction issued with regard to holding of a review DPC by the High Court is upheld.
- (b) The denial of consequential benefits by the High Court for the post to which Mr. Sood has been promoted being inappropriate, he shall be granted the actual consequential benefits from the year 1990 and the notional consequential benefits from the year of promotion, that is 1987.

c) The review DPC shall be held within a period of eight weeks hence and thereafter if the respondent's (Ravindra Kumar Sood) case is cleared for promotion, he shall be granted benefits as granted by the High Court in the order passed in review jurisdiction.

The benefits that have been granted by this Court shall be extended to the said Ravindra Kumar Sood within six weeks from today.

With the aforesaid modifications and direction, all the appeals are disposed of. There shall be no order as to costs.

.....,J.
(Dipak Misra)

.....,J.
(R. Banumathi)

New Delhi;
January 12, 2017.

ITEM NO.10

COURT NO.2

SECTION XIV

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(s) for Special Leave to Appeal (C) No(s). 33769-33771/2016

(Arising out of impugned final judgment and order dated 02/05/2016 in RP No. 590/2015 18/11/2015 in LPA No. 684/2011 18/11/2015 in LPA No. 685/2011 18/11/2015 in LPA No. 731/2011 passed by the High Court Of Delhi At New Delhi)

NTPC LTD. AND ORS.

Petitioner(s)

VERSUS

RAVINDRA KUMAR SOOD

Respondent(s)

(with interim relief and office report)

WITH

SLP(C) No. 33774-33776/2016

(With Office Report)

Date : 12/01/2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Puneet Taneja, AOR

For Respondent(s) Ms. Richa Kapoor, AOR

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

Leave granted in all the special leave petitions.

The appeals are disposed of in terms of the signed order.
There shall be no order as to costs.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master

(Signed order is placed on the file)