

ITEM NO.7

COURT NO.5

SECTION XI

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). 27206/2019
(Arising out of impugned final judgment and order dated 19-09-2019
in SPLAD No. 418/2019 passed by the High Court Of Judicature At
Allahabad, Lucknow Bench)

HCP. DHARMENDRA KUMAR CHAUHAN & ORS.

Petitioner(s)

VERSUS

THE STATE OF U.P. THROUGH CHIEF SECRETARY, GOVERNMENT OF U.P.
LUCKNOW & ORS. Respondent(s)
(FOR ADMISSION and I.R. and IA No.174618/2019-EXEMPTION FROM FILING
O.T.)

WITH

SLP(C) No. 27246/2019 (XI)

(FOR ADMISSION and IA No.175019/2019-EXEMPTION FROM FILING O.T.)

Date : 22-11-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI

HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mrs. Pankhuri Shrivastava, Adv.
Mr. Rupesh Kumar, AOR
Mr. Ananya Mohan, Adv.
Ms. Neelam Sharma, Adv.
Mr. Pravesh Bahuguna, Adv.
Ms. Vizokenuo S., Adv.
Ms. Y. Nagar, Adv.

For Respondent(s)

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

We have heard Mr. Mukul Rohatgi, learned senior counsel appearing on behalf of the petitioners who are working as constables/head constables claiming to be promoted as Sub-Inspector of Police. In the earlier round of litigation, the petitioners were unsuccessful vide judgment reported in (2015) 11 SCC 493. The Review Petition as well as the Curative Petition filed by the

petitioners also came to be dismissed vide orders dated 08.06.2015 and 18.10.2016 respectively.

Learned senior counsel appearing on behalf of the petitioners has submitted that the order passed in the earlier round of litigation was mainly based on the Order dated 27.02.1999 issued by the Government of Uttar Pradesh. Learned senior counsel further submitted that subsequently the petitioners came to know (by way of information sought under RTI - Annexure P-18), no file of the said Government Order dated 27.02.1999 was sent to the Hon'ble Governor for approval and no approval of the Hon'ble Governor was obtained on the said Government order dated 27.02.1999. It is also submitted that by virtue of Article 166 of the Constitution of India, the Government Order dated 27.02.1999 is a nullity. In this regard reliance has been placed by the judgment reported in 2011 (12) SCC 94 etc.

In the light of the information obtained under the RTI application dated 20.12.2016 and also considering the submissions of the learned senior counsel appearing on behalf of the petitioners, the special leave petitions are disposed of by giving liberty to the petitioners to make representation to the State of U.P. As and when such representation is filed, the State of Uttar Pradesh shall consider the same in accordance with law, notwithstanding the fact that the petitioners were not successful in the earlier round of litigation before the Supreme Court.

Pending application(s), if any, shall also stand disposed of.

(MADHU BALA)
COURT MASTER (SH)

(BEENA JOLLY)
BRANCH OFFICER