

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION [C] NO.87/2019

PANKAJ KUMAR SINGH & ORS.

Petitioner(s)

VERSUS

HONBLE HIGH COURT
OF JUDICATURE AT ALLAHABAD & ORS. Respondent(s)

WITH
CIVIL APPEAL NO.7178/2021
[@ SLP(C) No. 17499/2019]

O R D E R

Writ Petition(Civil) No.87/2019

Learned senior counsel for the petitioner(s) seeks to withdraw the petition under Article 32 of the Constitution to file an appropriate petition before the High Court.

Accordingly, the Writ Petition is dismissed as withdrawn.

CIVIL APPEAL NO.7178/2021
[@ SLP(C) No. 17499/2019]

Leave granted.

The only aspect urged before us by learned senior counsel for the appellant, which finds favour with us is the non-consideration of the aspect in the impugned order of what has been set out in para 172 of the report:

"172. There is an officer Sri Ravindra Nath Yadav, who has been placed at Serial No.943. An objection has been raised by one Sri Ram Manohar Narain Mishra, an officer of UPNS, stating that Sri Ravindra Nath Yadav should not have been included in the Seniority List since Court's notification under Rule 22(1) of Rules, 1975 was not issued. We find this statement factually incorrect inasmuch as in the Appointment Notification No.1954/2/Do-4-2008-32(1) of 2005 dated 11th August, 2008 issued by the State Government notifying appointments under Rule 22(1) and (2) of the Rules, 1975. Name of Sri Ravindra Nath Yadav is at Serial No.183. What we find further is that before this Court could give posting order to him, it was found that some inquiry was pending against him, therefore, posting order could not be issued and ultimately Shri Yadav was retired compulsorily by order dated 3rd March, 2013. Since notification appointing Shri Yadav was already issued, we find no justification to deny him place in Seniority List."

A perusal of the impugned order shows what the High Court has opined is a matter of seniority already stood settled as the seniority list prepared by the High Court on the Administrative Side was approved right up to the Supreme Court. The rationale for this may have been on account of different aspects sought to be urged by the appellant, which have not found favour with us as there has to be a finality to the list.

The only question thus, is whether Shri Ravindra Nath Yadav should not have been included in the seniority list since the Notification under Rule 22(1) of the Rules, 1975 was issued. Shri Yadav was at serial No.183. Before any posting order could be given to him, on account of some inquiry pending against him, he was retired compulsorily on 03.03.2013. The question thus, is whether the appellant is entitled to a placement instead of Shri Yadav.

We thus, set aside the impugned order to the aforesaid extent and remit the matter for consideration on that aspect alone.

The appeal accordingly stands disposed of.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[M.M. SUNDRESH]

NEW DELHI;
NOVEMBER 30, 2021.

ITEM NO.8

COURT NO.6

SECTION X

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

Writ Petition(s)(Civil) No(s). 87/2019

PANKAJ KUMAR SINGH & ORS.

Petitioner(s)

VERSUS

HONBLE HIGH COURT OF JUDICATURE AT ALLAHABAD & ORS. Respondent(s)
IA No. 47314/2021 - APPLICATION FOR PERMISSION
IA No. 7134/2019 - EXEMPTION FROM FILING O.T.

WITH

SLP(C) No. 17499/2019 (XI)

SLP(C) No. 23711/2019 (XI)

Date : 30-11-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. P.S. Patwalia, Sr. Adv.
Mr. Rajeev Kumar Dubey, Adv.
Ms. Saroj Tripathi, AOR

Mr. Pradeep Kant, Sr. Adv.
Mr. Divyanshu Sahay, Adv.
Mr. Apoorva Bhumesh, AOR
Ms. Madhavi Khare, Adv.

Mr. Manoj K. Mishra, AOR
Mr. Umesh Dubey, Adv.
Mr. Alok Pandey, Adv.
Mr. Prateek Som, Adv.
Mr. Sudhir S. Rawat, Adv.
Mr. Bheem Pratap Singh, Adv.

For Respondent(s) Mr. Pradeep Misra, AOR
Mr. Suraj Singh, Adv.
Mr. Bhuwan Chandra, Adv.
Mr. Manoj Kr. Sharma, Adv.

Mr. Sharan Thakur, AAG
Mr. Adarsh Upadhyay, AOR
Mr. Ketan Paul, Adv.

Ms. Preetika Dwivedi, AOR

Mr. Rana Ranjit Singh, AOR
 Mr. Vivek Kumar Singh, Adv.
 Mr. Ravish Singh, Adv.
 Ms. Aakanksha Singh, Adv.
 Mr. Salya Aggarwal, Adv.

Mr. Manoj K. Mishra, AOR

Ms. Sakshi Kakkar, AOR
 Mr. Shakti Singh, Adv.

Ms. Saroj Tripathi, AOR

Mr. Nagendra Singh, Adv.
 Mr. Vishwa Pal Singh, AOR
 Mr. Rajendra Prasad, Adv.
 Ms. Pallavi, Adv.
 Mr. Brijender Singh Dhull, Adv.
 Mr. Dinesh Kumar Mudgal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Writ Petition(s)(Civil) No(s). 87/2019

The Writ Petition is dismissed as withdrawn in terms of the signed order.

SLP(C) No. 17499/2019

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application, if any, stands disposed of.

SLP(C) No. 23711/2019

We are not inclined to interfere with the impugned order.

The Special Leave Petition accordingly, stands dismissed.

(ASHA SUNDRIYAL)
 ASTT. REGISTRAR-cum-PS

(POONAM VAID)
 COURT MASTER (NSH)

[Signed order is placed on the file]