

ITEM NO.17

VIRTUAL COURT NO.5

SECTION XII

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 5809/2020

(Arising out of impugned final judgment and order dated 09-10-2018 in WP No. 14065/2018 passed by the High Court Of Judicature At Madras)

UNION OF INDIA

Petitioner(s)

VERSUS

M.T. KARUPPIAH

Respondent(s)

(FOR ADMISSION and Interim Relief and  
IA No.45461/2020-CONDONATION OF DELAY IN FILING and  
IA No.45462/2020-EXEMP.FROM FILING C/C OF THE IMPUGNED JUDGMENT and  
IA No.45463/2020-PERM.TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEX.)

Date : 22-05-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MS. JUSTICE INDU MALHOTRA  
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Ms. Madhavi Divan, ASG  
Ms. Gargi Khanna, Adv.  
Mr. Balendu Shekhar, Adv.  
Mr. Gurmeet Singh Makker, AOR

For Respondent(s)

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

The Court is convened through video conferencing.

Delay condoned.

We have heard Ms. Madhavi Divan, learned Additional Solicitor General appearing for the petitioner-Union of India.

The question involved in this special leave petition is granting of promotion, Flexible Complimentary Scheme (FCS), with retrospective effect.

Ms. Madhavi Divan, learned Additional Solicitor General, has submitted that the larger issue is involved in this matter and in a similar matter this Court ordered notice in SLP(C) CC No.4155 of 2016 and leave granted in few other matters.

By perusal of the impugned order it is seen that before the High Court learned counsel appearing for the Union of India has submitted that "they are willing to grant promotion to the first respondent from 01.07.2015, subject to the first respondent undergoing an evaluation process".

On being asked about the concession made by the petitioner-Union of India, learned Additional Solicitor General has submitted that the first respondent has been granted the promotion w.e.f. 10.10.2015.

Having regard to the concession made on behalf of the learned counsel for the petitioner-Union of India before the High Court and considering the facts and circumstances of the case, we are not inclined to interfere with the impugned order.

The special leave petition is accordingly dismissed.

Special leave petition and other appeals involving the same question of law are pending consideration before this Court. Since this order is passed in the facts and circumstances of the case, this order may not be quoted as a precedent in the pending cases.

The question of law raised by the petitioner-Union of India is left open.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)  
AR-cum-PS

(BEENA JOLLY)  
BRANCH OFFICER