

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).2212/2005

(From the judgement and order dated 27/09/2004 in WP No. 27495/2004 of the HIGH COURT OF MADRAS)

R. GURUSAMY

Petitioner(s)

VERSUS

DISTRICT COLLECTOR

Respondent(s)

(With prayer for interim relief and office report)

Date: 21/07/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s)

Mr. Jayanth Muth Raj, Adv.

Mr. N.R. Shonkar, Adv.

Mr. C.K. Sasi, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

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

(N. Annapurna)

(V.P. Tyagi)

Court Master

Asstt.Registrar

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3099 OF 2006

(Arising out of S.L.P.(C) No.2212/2005

R. Gurusamy
)

...Appellant(s)

Versus

District Collector
)

...Respondent(s)

O R D E R

Though, according to the office report, the respondent has been served, he is not represented.

Leave granted.

While issuing notice on 15th April, 2005, it was made clear that the petition

might be disposed of at this stage by setting aside the impugned order and

remanding Writ Petition No.27495 of 2004 to the High Court for its decision on

merits. The said writ petition was dismissed by the impugned order observing that the appellant has retired from service and cannot claim any right as he has not reserved such a right at the time of retirement. The ground on which the appellant was claiming the right of promotion on merit has not been discussed. According to the appellant, it will have a direct monetary impact on him and that the question of reserving any right at the time of retirement did not arise having regard to the age of retirement. The writ petition has been dismissed by a cryptic order on the aforementioned ground alone.

In this view, we set aside the impugned order and remit the writ petition to the High Court for its fresh decision in accordance with law. All contentions, including that of delay which may be urged by the respondent, are kept open for the parties to be urged before the High Court. The High Court is requested to decide the matter expeditiously.

The civil appeal is disposed of accordingly.

.....CJI.

(Y.K. SABHARWAL)

.....J.

(C.K. THAKKER)

New Delhi,

July 21, 2006.