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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3365 OF 2003

B. HYMAVATHY
APPELLANT (S)

...

VERSUS

M. REGHUDASAN & ORS.

...

RESPONDENT (S)

O R D E R

The application for impleadment is dismissed.

The first respondent, M. Raghudasan, had moved the learned Single

Judge of the High Court by his Original Petition No.15555/1996. This original

petition was allowed and it was held that the Departmental Promotion

Committee had erroneously prepared a select list granting assigned dates to

certain employees including the present appellant, who was respondent no.8 in

the said original petition. Certain directions were issued for passing fresh

orders by setting aside the select list. This judgment of the learned Single Judge

was challenged in writ appeal filed by the appellant. This writ appeal was

dismissed by the Division Bench upholding the judgment of the learned Single

Judge. Being aggrieved, the appellant is before us.

We are informed at the Bar that the appellant has since retired from

service in the year 2005. The only remaining grievance the appellant desires to project before this Court is that the observation of the Division Bench in paragraph 9 to the following effect "thus, it is crystal clear that respondents 4 to 8 were not in the feeder categories for promotion as Manager Grade I" is erroneous and, if this is allowed to remain, there is a possibility that the State authorities may try to rework the promotion and prejudicially affect the appellant's pensionary benefits being paid to her. Apart from this, the appellant has no other grievance.

It would appear that the appellant's promotion as Manager in Grade I was not challenged by any of the respondents. Thus, the promotion of the appellant to Manager Grade I has become immune from challenge and the only question urged was whether she should be promoted earlier than the first respondent. The first respondent's grievance does not survive in view of the fact that the appellant has already retired and, thus, she would not come in the way of any promotion of the respondents.

In these circumstances, we are of the view that the present appeal has become infructuous and, therefore, must be dismissed, making it clear that there is no question of reopening or recalculating the appellant's pensionary benefits, which have been granted to the appellant.

Consequently, the appeal is dismissed with no order as to costs.

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.....J.

(B.N. SRIKRISHNA)

.....J.

(LOKESHWAR SINGH PANTA)

New Delhi,

February 28, 2006.

ITEM NO.104

COURT NO.11

SECTION XIA

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 3365 OF 2003

B. HYMAVATHY
Appellant (s)

VERSUS

M. REGHUDASAN & ORS.
Respondent(s)

(With appln(s) for impleading party and with office report)

Date: 28/02/2006 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Appellant(s)

Mr. M.K.S. Menon, Adv.

Mr. Deepak Prakash, Adv.

Ms. B. Sunita Rao, Adv.

For Respondent(s)

Mr. M.P. Vinod, Adv.

Mr. Ramesh Babu M.R., Adv.

Mr. Romy Chacko, Adv.

UPON hearing counsel the Court made the following

O R D E R

The application for impleadment is dismissed.

The Civil Appeal is dismissed with no order as to costs in terms of the signed order.

(P.D. BALODI)

(VEERA

VERMA)

A.R.-cum-P.S.

Co

Court Master

[signed order is placed on the file]