

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

C I V I L A P P E A L N O ( s ) . 4 3 6 9 - 4 3 7 0 O F 2 0 0 7

S T A T E O F U . P . & A N R .

A p p e l l a n t ( s )

V E R S U S

N A R E N D E R S I N G H G A U T A M

R e s p o n d e n t ( s )

(With appln(s) for directions)

Date: 3 1 / 0 7 / 2 0 0 8 These Appeals were called on for hearing today.

C O R A M :

H O N ' B L E M R . J U S T I C E A . K . M A T H U R  
H O N ' B L E M R . J U S T I C E D A L V E E R B H A N D A R I

F o r A p p e l l a n t ( s )

Mr. Aarohi Bhalla, Adv.  
Mr. Jyotinder Mishra, Adv.  
Mr. Shekhar Raj Sharma, Adv.  
Mr. Gunnam Venkateswara Rao, Adv.

F o r R e s p o n d e n t ( s )

Mr. Mahabir Singh, Sr. Adv.  
Mr. Gautam Awasthi, Adv.  
Mr. Rakesh Dahiya, Adv.  
Mr. D. Mahesh Babu, Adv.

U P O N h e a r i n g c o u n s e l t h e C o u r t m a d e t h e f o l l o w i n g  
O R D E R

The appeals are disposed of in terms of the signed order.

(Sukhbir Paul Kaur)  
Court Master

(Vijay Dhawan)  
Court Master

(Signed Order is placed on the file)  
I N T H E S U P R E M E C O U R T O F I N D I A  
C I V I L A P P E L L A T E J U R I S D I C T I O N

C I V I L A P P E A L N O S . 4 3 6 9 - 4 3 7 0 O F 2 0 0 7

S T A T E O F U . P . & A N R .

A p p e l l a n t ( s )

V e r s u s

N A R E N D E R S I N G H G A U T A M

R e s p o n d e n t ( s )

O R D E R

These appeals are directed against the order passed by  
the Division Bench of the Allahabad High Court dated 23  
rd  
May,  
2005 and the Order dated 12  
th  
December, 2006 in a contempt

petition.

We have heard learned counsel for the parties and perused the record. The Division Bench Order is very clear which reads as under :-

"We finally dispose of this writ petition with a direction to the respondents to examine the matter and if after the date on which the petitioner became eligible for consideration according to the 1 st Schedule has been selected and promoted without first considering the case of the petitioner for promotion, the respondents, will constitute a fresh selection committee in accordance with the rules for considering the fitness or unfitness of the petitioner for promotion and if the petitioner is found fit he will be granted promotion with effect from the date

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on which his juniors are being promoted without considering the claim of the petitioner."

In compliance of that direction an order was passed by the State Government dated 1 st March, 2 0 0 6 and expressed their inability to comply with the direction given by the Division Bench.

Against this a Contempt Petition No.1 7 1 of 2 0 0 6 has been filed in the Allahabad High Court. Therefore, both these orders i.e. the order passed by the Division Bench dated 2 3 rd May, 2 0 0 5 and the order passed issuing notice in the contempt petition No.1 7 1 of 2 0 0 6 are subject matter of these Special Leave Petitions.

After going through the order passed by the Division Bench, we are constraint to say that the compliance is not in the true sense of the word. However, this observation shall not come in the way of finding of the contempt petition which is pending before the High Court.

We are not inclined to interfere in these appeals as the contempt petition is already pending before the High Court.

Let the respondent may prosecute his contempt petition.

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The stay order granted by this Court dated 15<sup>th</sup> February,

2007 is vacated.

The appeals are accordingly, disposed of.

.....J .  
(A.K.M A T H U R)

.....J .  
(DALV E E R BHA N D A R I )

New Delhi,  
July 31, 2008