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C.A.No. 2141 OF 1999
ITEM No. 106

Court No. 1

SECTIONS IV & XVII

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. 2141 of 1999

U.P.S.C.

Appellant (s)

VERSUS

Chaman Lal Lakhanpal and Ors.
(With office report)

Respondent (s)

With
C.A. Nos. 292-295 of 2004

Date : 10-03-2004 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.H. KAPADIA

For Appellant (s) Mr. P.P. Malhotra, Sr. Adv.
Mr. Ashok K. Srivastava, Adv.
Mr. B.K. Prasad, Adv.
Mr. P. Parmeswaran, Adv.
Mr. S.N. Terdal, Adv.

For Respondent (s)
No. 1 in CA 2141 Mr. Seeraj Bagga, Adv.
Ms. S. Bagga, Adv.

No. 3 in CA 2141 Ms. Kavita Wadia, Adv.

in CA 292-295 Mr. Amit Kumar, Adv.
Mr. Amit Anand Tiwari, Adv.
Mr. Samir Ali Khan, Adv.
Mr. Atul Kumar, Adv.

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

The appeals are disposed. There shall be no order as to costs.

[Alka Dudeja] [Janki Bhatia]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 2141 of 1999

U.P.S.C. ... Appellant (s)

VERSUS

Chaman Lal Lakhanpal and Ors. ... Respondent (s)

WITH

C.A. Nos. 292-295 of 2004

O R D E R

Civil Appeal No. 2141 of 1999:

This Court by an order dated 2nd August, 1999 directed that the interim order dated 5th April, 1999 would confine to the vacancies for the year 1994-95. It appears that in pursuance of this order, the Government of India by an order dated 29th February, 2000 accorded promotion to the respondent on the basis of 1995-96 list approved by the Union Public Service Commission. The parties are agreed that this appeal may be decided in the aforesaid terms. We, accordingly, dispose of the appeal in the aforesaid terms. There shall be no order as to costs.

Civil Appeal Nos. 292-295 of 2004:

The respondents herein were the members of the Bihar State Administrative Service. It is not disputed that the members of the State service are eligible for being considered for promotion to the post in the cadre of Indian Administrative Service. It appears that because of certain interim orders passed by the High Court, the Union Public Service Commission

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could not prepare the select list for the purpose of promotion from the post of Provincial Service to the post in the cadre of Indian Administrative Service. However, the Union Public Service Commission, after vacation of the interim order, prepared the select list wherein the names of the respondents were shown for promotion to the post in the cadre of Indian Administrative Service. It appears that by that time the respondents had retired, therefore, the appellant did not give them benefit of their empanelment in the select list. Aggrieved, the respondent filed petitions before the Central Administrative Tribunal and the Tribunal issued direction for their promotion to the post in the cadre of Indian Administrative Service as per the Indian Administrative Cadre Rules. The writ petitions filed against the said judgment was dismissed. It is against the said judgment the Union of India is before us.

We have heard learned counsel for the parties. It is agreed between the parties that by virtue of the order passed under challenge, the respondents would be entitled only to the retiral benefits. It is agreed that the respondents would be appointed in the post in the cadre of Indian Administrative Service and also get the retiral benefits, but the promotion would be treated as notional and no other pecuniary benefits would be granted.

The appeals are disposed of in the aforesaid terms. There shall be no order as to costs.

.....CJI.

.....J.

(S.H. Kapadia)

New Delhi,
March 10, 2004.