

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.6363/1999

Prithvi pal Chaurasia .. Appellant

Vs.

State of U.P. & Ors. .. Respondents
(With prayer for interim relief)

DATE : 5.12.2001 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MRS JUSTICE RUMA PAL

For Appellant (s) : Mr. Sunil Kumar Jain, Adv.
Mr. Vijay Hansaria, Adv.
Ms. Sangeeta Sharma, Adv.

For Respondent (s) : Mr. Y.P. Singh, Adv.
Mr. A.S. Pundir, Adv.
Mr. Mukesh Kumar Sharma, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J.....
.SP2 Appeal is allowed in terms of the signed order.

.SP1
(Meenu Sethi) (Om Prakash)
Court Master Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.6363 OF 1999@@
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Prithvi Pal Chaurasia .. Appellant

Vs.

State of U.P. & Ors. .. Respondent

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Pursuant to selections made by the U.P. Public Service Commission in a combined State/Upper Sub-Ordinate Service Examination 1993, the appellant before us was appointed as Probationer, associated with Deputy Registrar Karchana by an order made on 11.7.1998. The appellant underwent a training for six weeks. He was appointed on regular basis by an order made on 3.9.1997 as Deputy Registrar against the vacant post of Kulpahar, District Mahoua. Thereafter, by another order made on 23.11.1998 he was posted as District Savings Officer in the Directorate of National Savings Uttar Pradesh. The appellant, therefore, challenged the order made in the writ petition before the High Court which, however, was dismissed by observing that he had been given a higher post which is higher in rank and grade than the post of Sub-Registrar and as such there cannot be any legitimate grievance against the same.

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: 2 :

When the appellant had been selected pursuant to the selection process commenced in 1993 and after that he underwent training and appointed on regular basis, it surpasses our comprehension as to how he could have been again treated to have been freshly selected and appointed in the Directorate of National Savings, Uttar Pradesh on temporary basis while he had been appointed on regular basis as Deputy Registrar. Whether the appellant was given a higher post or a lower post is not the question, especially when he had been appointed on regular basis, he could not have been appointed in another capacity on temporary basis and on what basis such a procedure is adopted is not clear, though it is stated that there were certain candidates who had been selected but had not reported for duty but had later come back.

In the result, we allow this appeal and set aside the order made by the High Court, allow the Writ petition filed by the appellant and the order made on 23.11.1998 appointing the appellant as a temporary District Savings officers shall stand quashed and the

..3/-

: 3 :

order made by the the respondents on 3.9.1997 appointing the appellant on regular basis shall continue to be operative. The appeal is allowed accordingly.

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[S. RAJENDRA BABU]@@
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[RUMA PAL]@@

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New Delhi,@@

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December 4, 2001.@@

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