

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).12227/2004

(From the impugned judgement and final order dated 15/04/2003 in LPA No. 99/2003 of The HIGH COURT OF JHARKHAND AT RANCHI)

COAL INDIA LTD.

Petitioner(s)

VERSUS

PRAJAPATI SHARAN & ORS.

Respondent(s)

(With prayer for interim relief and office report )

Date: 28/08/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. Jagdeep Dhankar, Sr.Adv.

Mr. K.S. Bhati,Adv.

Ms. Aishwarya Bhati, Adv.

For Respondent(s)

Mr. Himanshu Shekhar,Adv.

UPON hearing counsel the Court made the following

O R D E R

We have heard counsel for the parties.

Counsel for the petitioner draws our attention to paragraph 4.9 of the Common Coal

Cadre and submits that for the purpose of drawing emoluments in the higher grade after

promotion, the relevant date is the date on which the promoted officer assumes charge of the

higher post. The instant case is not governed by the aforesaid paragraph of the Common Coal

Cadre, because the respondent did not refuse to join after promotion, but in fact was prevented

from holding the promotional post by denial of promotion due to him.

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Subsequently, he succeeded in the litigation and was found entitled to the promotion. In such a

case paragraph 4.9 of the Common Coal Cadre may not apply, and the impugned decision

therefore will not be a precedent for cases where a promoted officer does not join the

promotional post.

The Special Leave Petition is therefore, dismissed.

(Sukhbir Paul Kaur)

Court Master

(Vijay Dhawan)

Court Master