

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3358 OF 2007  
(Arising out of SLP(C)No.5462 of 2007)

GURUPADA KONAR

Versus

Appellant(s)

CHIEF SECRETARY & ORS.

Respondent(s)

ORDER

We have heard counsel for the parties.

Leave granted.

The problem is very complex. So far as seniority matter is concerned, normally the State Administrative Tribunal has the jurisdiction to decide the matter and so far as All India Services is concerned, Central Administrative Tribunal alone has the jurisdiction to decide the matter. It will unnecessary prolong the agony of the appellant to first approach for seniority to the State Administrative Tribunal and thereafter to the Central Administrative Tribunal for selection for Indian Administrative

2

Service. It will be unnecessary waste of time. By that time the incumbent will superannuate and the relief, if granted, will be illusory.

In the facts and circumstances of the case, we set aside the order of the High Court and remand the matter back to the High Court to decide both the issues as the High Court is competent to decide both the issues on merit. This will be in the interest of both the parties. The Order dated 31.1.2007 is set aside and the matter is remitted to the High Court to decide both the issues. We request the High Court to decide the matter as far as possible within a period of six months.

The appeal is accordingly, disposed of.

.....J.  
(A.K.MATHUR)

.....J.  
(DALVEER BHANDARI)

New Delhi,

3

July 30, 2007.

4

ITEM NO.63

COURT NO.9

SECTION XVI

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5462/2007

(From the judgement and order dated 31/01/2007 in WPCT No. 765/2006 of  
The HIGH COURT OF CALCUTTA)

GURUPADA KONAR

Petitioner(s)

VERSUS

CHIEF SECRETARY & ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and prayer for interim  
relief and office report )

Date: 30/07/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR  
HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s)

Mr. P.P.Rao, Senior Adv.  
Mr. Raj Kumar Gupta, Adv.  
Mr. Sheo Kumar Gupta, Adv.  
Mr. Bhanu Pratap Gupta, Adv.  
Mr. A.N. Bardiyar, Adv.

For Respondent(s)

5

For Res.No.1 & 2

Mr. Bhaskar P. Gupta, Senior Adv.  
Mr. Tara Chandra Sharma, Adv.  
Ms. Neelam Sharma, Adv.  
Mr. Rajeev Sharma, Adv.

For Res.No.6 to 11 Mr. Rana Mukherjee, Adv.

Mr. Siddharth Gautam, Adv.  
Mr. Goodwill Indeevar, Adv.  
Mr. J. Kar, Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

The appeal is disposed of in terms of the signed order.

(Sukhbir Paul Kaur)  
Court Master

(Vijay Dhawan)  
Court Master

(Signed Order is placed on the file)