

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 167 OF 2013 (FOR PREL.HEARING)

HARI KRISHAN NAGPAL Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With appln(s) for directions and office report)

Date: 12/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE SHARAD ARVIND BOBDE

For Petitioner(s) Mr. Badri Prasad Singh, Adv.

For Respondent(s)

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

In this petition filed under Article 32 of the Constitution, the petitioner has made the following substantive prayers:

"(a) Issue an appropriate writ, order or directions declaring that the Regulation 5(3) of Indian Administrative Services (Appointment by Promotion) Regulations, 1955 enacted in pursuance of sub Rule 1 of Rule 8 of Indian Administrative Services (Recruitment) Rules, 1954 of Indian Administrative Services (Appointment by Promotion) Regulations, 1955 as arbitrary, discriminatory and ultra-vires the Constitution of India; and

(b) Issue an appropriate writ, order or directions declaring that the Regulation 5(3) of Indian Administrative Services (Appointment by Promotion) Regulations, 1955 is ultra vires the sub Rule 1 of Rule 8 of Indian Administrative Services (Recruitment) Rules, 1954; and

c) Issue an appropriate writ, order or direction that the petitioner be considered by the DPC for the five vacancies arising in the year 2012."

After making submissions for a while and realising that the Court is not inclined to entertain the petition filed under Article 32 of the Constitution, learned counsel for the petitioner made a request that his client may be permitted to withdraw the present petition with liberty to avail other remedies.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer made.

Court Master

Court Master