

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4527 OF 2006

BHARAT SANCHAR NIGAM LIMITED Appellant(s)

Versus

K.R. PRAJAPATI AND OTHERS Respondent(s)

W I T H

CIVIL APPEAL NO. 3626 OF 2011

BHARAT SANCHAR NIGAM LIMITED Appellant(s)

Versus

P.G. PATEL AND OTHERS Respondent(s)

CIVIL APPEAL NO. 835 OF 2008

BHARAT SANCHAR NIGAM LIMITED Appellant(s)

Versus

M.B. CHAUHAN AND OTHERS Respondent(s)

CIVIL APPEAL NO. 4980 OF 2008

BHARAT SANCHAR NIGAM LIMITED Appellant(s)

Versus

M.B. SHAH AND OTHERS Respondent(s)

O R D E RCIVIL APPEAL NO. 4527 OF 2006

We have heard learned counsel for the parties at some length. We entirely agree with the view taken by the High Court that Shri K.R. Baria being junior to Respondents No. 1 to 12 (contesting respondents) in the basic grade, any benefit given to Mr. Baria could not be denied to the respondents. The argument that since Shri Baria had been wrongly promoted, he was subsequently reverted, has also been noticed by the High Court and rejected. The High Court has held that the order of reversion was challenged by Mr. Baria in appropriate legal proceedings and the same was quashed. Mr. Baria thereby continued to draw the benefits which his seniors (Respondents No. 1 to 12) were denied.

We have examined a somewhat identical issue in Civil Appeal No. 4528 of 2006 and held that the benefit of up-gradation

does not tantamount to promotion and that any such benefit could not be denied to the seniors if they were otherwise eligible. In the circumstances, we see no reason to interfere.

The Civil Appeal fails and is, accordingly, dismissed.

No costs.

CIVIL APPEAL NO. 3626 OF 2011

We have heard learned counsel for the parties at some length. We entirely agree with the view taken by the High Court that Shri K.R. Baria being junior to Respondents No. 1 to 12 (contesting respondents) in the basic grade, any benefit given to Mr. Baria could not be denied to the respondents. The argument that since Shri Baria had been wrongly promoted, he was subsequently reverted, has also been noticed by the High Court and rejected. The High Court has held that the order of reversion was challenged by Mr. Baria in appropriate legal proceedings and the same was quashed. Mr. Baria thereby

continued to draw the benefits which his seniors (Respondents No. 1 to 12) were denied.

We have examined a somewhat identical issue in Civil Appeal No. 4528 of 2006 and held that the benefit of up-gradation does not tantamount to promotion. And that any such benefit could not be denied to the seniors if they were otherwise eligible. In the circumstances, we see no reason to interfere.

The Civil Appeal fails and is, accordingly, dismissed.

No costs.

CIVIL APPEAL NO. 835 OF 2008

We have heard learned counsel for the parties at some length. We entirely agree with the view taken by the High Court that Shri K.R. Baria being junior to Respondents No. 1 to 12 (contesting respondents) in the basic grade, any benefit given to Mr. Baria could not be denied to the respondents. The argument that since Shri Baria had been wrongly promoted, he was subsequently

reverted, has also been noticed by the High Court and rejected. The High Court has held that the order of reversion was challenged by Mr. Baria in appropriate legal proceedings and the same was quashed. Mr. Baria thereby continued to draw the benefits which his seniors (Respondents No. 1 to 12) were denied.

We have examined a somewhat identical issue in Civil Appeal No. 4528 of 2006 and held that the benefit of up-gradation does not tantamount to promotion. And that any such benefit could not be denied to the seniors if they were otherwise eligible. In the circumstances, we see no reason to interfere.

The Civil Appeal fails and is, accordingly, dismissed.

No costs.

CIVIL APPEAL NO. 4980 OF 2008

We have heard learned counsel for the parties at some length. We entirely agree with the view taken by the High Court that Shri K.R. Baria being junior to Respondents

No. 1 to 3 (contesting respondents) in the basic grade, any benefit given to Mr. Baria could not be denied to the respondents. The argument that since Shri Baria had been wrongly promoted, he was subsequently reverted, has also been noticed by the High Court and rejected. The High Court has held that the order of reversion was challenged by Mr. Baria in appropriate legal proceedings and the same was quashed. Mr. Baria thereby continued to draw the benefits which his seniors (Respondents No. 1 to 3) were denied.

We have examined a somewhat identical issue in Civil Appeal No. 4528 of 2006 and held that the benefit of up-gradation does not tantamount to promotion. And that any such benefit could not be denied to the seniors if they were otherwise eligible. In the circumstances, we see no reason to interfere.

The Civil Appeal fails and is,  
accordingly, dismissed.

No costs.

.....J.  
(T.S. THAKUR)

.....J.  
(C. NAGAPPAN)

.....J.  
(ADARSH KUMAR GOEL)

New Delhi,  
August 07, 2014.

ITEM NO.104

COURT NO.3

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4527/2006

BHARAT SANCHAR NIGAM LTD.

Appellant(s)

VERSUS

K.R. PRAJAPATI &amp; ORS.

Respondent(s)

(with appln. (s) for permission to submit additional document(s))

WITH

SLP(C) No. 29997/2010

(With appln.(s) for c/delay in filing addl. documents and Office Report)

SLP(C) No. 7089/2009

(With appln.(s) for restoration and Interim Relief and Office Report)

C.A. No. 3626/2011

(With appln.(s) for Interim Relief and Office Report)

C.A. No. 835/2008

(With appln.(s) for Interim Relief and Office Report)

C.A. No. 4980/2008

(With appln.(s) for Interim Relief and Office Report)

Date : 07/08/2014 These appeals and petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE C. NAGAPPAN

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s)

Mr. R.D. Agrawala, Sr.Adv.

Mr Pavan Kumar,Adv.

For Respondent(s)

Mr. Sudarshan Rajan, Adv.

For Mr. P. Narasimhan,Adv.

Mr. Asad Alvi, Adv.

Mr. Faiz Hayder, Adv.

Mr. Aishwarya Pathela, Adv.

Mr. Satya Mitra,Adv.

Mr. Pankaj Gupta, Adv.

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

CIVIL APPEAL NOS. 4527/2006, 3626/2011,  
835/2008 AND 4980/2008

These appeals are dismissed in terms of the signed order.

S.L.P.(C) NO. 29997 OF 2010

Delay condoned.

Having heard learned senior counsel for the petitioners-Company and learned counsel for the respondents, we find no infirmity in the orders under challenge to warrant interference from us under Article 136 of the Constitution.

The special leave petition is, accordingly, dismissed.

S.L.P.(C) No. 7089 of 2009

Heard

Order dated 29<sup>th</sup> July, 2013 dismissing the interlocutory application No.3 filed by the applicant for substitution of the legal representatives left behind by Respondent No.1 is recalled and the application restored to its original number.

The proposed legal representatives have not chosen to file any objections to the application for substitution. In the circumstances, we see no reason to decline the substitution prayed for. The substitution application is, accordingly, allowed and the legal representatives mentioned therein brought on record in place of deceased Respondent No.1. Let fresh notice be issued for their service.

I.A. No.1(application for deletion of names of Respondent Nos.2 and 3)

List this application along with the special leave petition.

(Sukhbir Paul Kaur)  
Court Master

(Veena Khera)  
Court Master

(Signed order in civil appeals are placed on the file)