

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.7519-7520 OF 2009

SAYED ABDUL ALAM & ORS. ETC. ETC.
APPELLANTS

.....A

VERSUS

GOVT. OF A.P. AND ORS.
RESPONDENTS

.....RE

O R D E R

Heard learned counsel for the parties.

We have perused the order dated 19.09.1988 by which the appellants were promoted to the post of Sub-Inspectors. A perusal of the above order reveals that the same was passed by the Superintendent of Police, Kurnool. It also reveals that the

aforsaid promotion was on "out of seniority basis". It is not a

matter of dispute that the post of Sub-Inspector is a zonal level post, for which the competent authority is the Deputy Inspector General of Police.

In the above view of the matter, the order dated 19.09.1988 relied upon by the appellants is totally inconsequential. Furthermore, since the promotion order dated

19.09.1988 is on "out of seniority basis", it is natural to infer that those who were promoted by the said order, were not entitled to count the service rendered by them towards seniority in the

cadre of Sub-Inspector.

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In the process of regular promotion, the appellants had

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to appear for a test, and only on qualifying the said test, they could have been promoted as Sub-Inspectors.

It is not show

that any of the appellants had actually qualified the said test which would render them eligible for promotion to the post of Sub-Inspector.

The contention at the hands of the learned counsel for the appellants based on an order passed by this Court on 15.04.1996 also does not vest any right on the appellants for upward promotion from the post of Head Constable to that of Sub-Inspector.

It would

be pertinent to mention that the above order passed by this Court

extracted the order passed by the Andhra Pradesh Administrative

Tribunal (hereinafter referred to as 'the Tribunal') dated

15.04.1994. Emphatic reliance is placed on direction Nos.4 and 6

thereof. According to the learned counsel for the appellants, all

the six directions passed by the Tribunal in the above order dated

15.04.1994 were affirmed by this Court and as such the appellants

should be granted the benefit of paragraphs 4 and 6 of the order

passed by the Tribunal.

Having perused direction No.4, we are of the view that

the appellants cannot claim any benefit thereof, on account of the

fact that, they have not been able to establish that they had

passed the test contemplated by Rule 2(c) of the Andhra Pradesh

Police Sub-ordinate Service Rules at the zonal level, nor that they

have appeared in such test conducted by the Deputy Inspector

General of Police. Having not been able to establish the same, the

natural effect of direction No.4 is, that they cannot be treated as

having qualified the test for being sent for training for

Sub-Inspectors.

Their disentitlement on the basis of the analysis of

direction No.4 would also render them ineligible for consideration

for regular promotion under direction No.6 wherein the Tribunal

merely directed that regular promotion to the posts of

Sub-Inspectors of Police should be made in accordance with the

Rules for which the process should be initiated within three

months.

