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C.A.No. 1299-1305 OF 1999
ITEM No.103

Court No. 3

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NOS.1299-1305/1999@@
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Christopher Nelson Appellant (s)

VERSUS

U.P.S.C. & Ors. Respondent (s)
(With Office Report)

WITH C.A. No.1306-1314/1999

Date : 20/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE S.N. VARIAVA

For Appellant (s) Mr. V.A. Mohta, Sr. Adv
M/s. S.W.A. Qadri, Bipul Kumar and
Mr. L.R. Singh, Advs.

For Respondent (s) Mr. Rakesh Dwivedi, Sr. Adv.
M/s. Gopal Singh, Amitesh Kumar and
Mr. Rahul Singh, Advs.

Dr. A. Francis Julian & Mr. Sumit Kumar, Advs.
for Mr. M. A. Chinnasamy, Adv.

Mr. S. Balakrishnan, Sr. Adv.
Mrs. Revathy Raghavan, Adv.

Mr. Kailash Vasdev, Sr. Adv.
Mrs. Vanita Mehta, Ms. Anjani Aiyagari and
Mr. Balram Das, Advs.

M/s. C. Paramasivam & R.K. Sharma, Advs.
Mr. T. Raja, Adv.
Mr. P. N. Ramalingam, Adv.
Mr. P. Parmeshwaran, Adv.

UPON hearing counsel the Court made the following
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.SP2

Mr. V.A. Mohta, Sr. Adv. for the appellant started
his arguments at 11.30 a.m. and concluded at 12.00 p.m.
Then Mr. Rakesh Dwivedi, Sr. Adv. and Mr. Kailash
Vasdev, Sr. Adv. for the respondents argued the matter for few
minutes.

These appeals are dismissed.
Interim order stands vacated.

.SP1 (Y.P. Dhamija) (V.P. Tyagi)@@
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Court Master Court Master@@

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1299-1305/1999@@
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Christopher Nelson ...Appellant

Vs.

U.P.S.C. & Ors. ...Respondents

WITH C.A. Nos.1306-1314/1999@@
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These two appeals involve the question of selection to the Indian Police Service from State Police Service. As it appears there was some inter-se dispute with regard to the seniority in the State Police Service Cadre. The Administrative Tribunal had taken a view in OA No. 1295 on 24th July, 1991. Against that judgment, the matter had been carried to this Court, and this Court set aside the order of the Tribunal and remitted the matter to the Tribunal for fresh consideration in the light of the decision of the Supreme Court in S.K. Rizvi's case. On getting the matters on remand, the Tribunal passed an order on 2nd February, 1995 directing the respondent not to make any promotion or take further action pursuant to the earlier decision of the Tribunal, which has already been set aside by the Supreme Court. Notwithstanding the aforesaid order of stay passed by the Tribunal, the process of selection having been continued and persons having been selected for promotion, the matter

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was agitated again. By the impugned judgement, the said selection already made has been quashed and direction has been given to have further selection.

Mr. Mohta appearing for the Appellant contends that since in the matter of determination of inter-se seniority of the persons concerned, there has been no alteration, it would be a futile exercise requiring the Public Service Commission and /or the competent authority to have the process of selection afresh. According to the learned counsel even otherwise under the rules the seniority has no role to play. We, however, are not persuaded to accept this submission made on behalf of the Appellant, as in our view, a competent authority having jurisdiction over the matter having stayed the process of selection, any selection made notwithstanding the continuance of the stay order must not be sustained. Consequently, we decline to interfere with the impugned order. These appeals fail and are accordingly dismissed.

Interim order stands vacated.

Needless to mention if any party is aggrieved by the selection made, they have a right to approach the appropriate forum.

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.....J.
(G.B. PATTANAİK)@@
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New Delhi,
February 20, 2002

.....J.@@
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(S.N. VARIAVA)@@
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