

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 2314/2010
(Alongwith IA No. 7710/2018)

ABBAS

Appellant

VERSUS

COMMR. OF POLICE, MADURAI CITY & ANR.

Respondents

O R D E R

Though an application for early hearing of the present appeal was listed, regard being had to the narrow compass of the list and with the consent of learned counsel for the parties, the appeal is finally heard.

It is the grievance of the appellant that though he was entitled to be considered for the post of Sub-Inspector of Police by the Departmental Promotion Committee (DPC) held for the year 2010, the case of the appellant was not considered. There can be no dispute that when the appellant was eligible to be considered, he should have been considered, inasmuch as, he was considered in the year 2006 and not found fit.

It is the stand of the respondents that in the year 2010, the appellant had crossed 45 years of age. The High Court in paragraph 19 of the impugned order, has observed thus:-

"We do not find any manifest error in the impugned order warranting interference. As rightly observed by the learned Single Judge as the disqualification has now been wiped out by an order of modification, if any direct recruitment process is undertaken by the second respondent in future, the punishment of "Black Mark" would not stand in the way of the appellant for being considered for appointment as Sub-Inspector of Police, against 201 vacancies. We accordingly confirm the order made in the Writ Petition."

When such an order was passed by the High Court, we do not see any justification on the part of the respondents not to consider the case of the appellant for the remaining vacancies, by granting age relaxation. Unfortunately, the DPC was conducted in the year 2010, by which time the appellant became age barred.

We are inclined to direct the respondents to constitute a Review DPC to consider the case of the appellant with effect from 2010. If eventually the appellant is found suitable to be promoted from the said date, he shall not claim any seniority over others who have already been promoted, as the other candidates are not parties before us. However, he will get the notional benefit for the pay fixation.

The appeal is accordingly disposed of. I.A. No. 7710/2018 and other pending interlocutory applications shall also stand disposed of. There shall be no order as to costs.

.....CJI
[Dipak Misra]

.....J.
[A.M. Khanwilkar]

New Delhi;
March 28, 2018.

ITEM NO.1

COURT NO.1

SECTION XII

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

I.A. No. 7710/2018 in Civil Appeal No. 2314/2010

ABBAS

Appellant

VERSUS

COMMR. OF POLICE, MADURAI CITY & ANR.

Respondents

Date : 28-03-2018 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Appellant

Ms. Mahalakshmi Pavani, Sr. Adv.
Mr. G. Balaji, AOR
Mr. Tomy Chacko, Adv.

For Respondents

Mr. M. Yogesh Kanna, AOR
Mrs. Sujatha Bagadhi, Adv.

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

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

I.A. No. 7710/2018 and other pending interlocutory applications, if any, shall also stand disposed of.

(Deepak Guglani)
Court Master

(H.S. Parasher)
Assistant Registrar

(Signed order is placed on the file)