

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

Petition(s) for Special Leave to Appeal (C) No(s). 8400/2008
(Arising out of impugned final judgment and order dated 14/03/2008 in
SA No. 579/2007 passed by the High Court Of U.P At Lucknow)

HC PRADEEP KUMAR RAI & ORS.

Petitioner(s)

VERSUS

DINESH KUMAR PANDEY & ORS. Respondent(s)
(With appln. For directions and impleadment, stay, prayer for interim
relief and office report)

WITH

SLP(C) No. 8424/2008

(With prayer for and directions and Prayer for Interim Relief and
Office Report)

SLP(C) No. 8473/2008

(With prayer for Prayer for Interim Relief and Office Report)

SLP(C) No. 10667/2008

(With prayer for impleadment and intervention and Prayer for Interim
Relief and Office Report)

SLP(C) No. 29448/2008

(With prayer for Prayer for Interim Relief and Office Report)

SLP(C) No. 537/2009

(With prayer for directions and Prayer for Interim Relief and Office
Report)

SLP(C) No. 3266/2009

(With prayer for Prayer for Interim Relief and Office Report)

SLP(C) No. 12752-12757/2009

(With Office Report)

Date : 15/07/2014 These petitions

were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE M.Y. EQBAL

Signature Not Verified

Digitally signed by

For Petitioner(s)

Madhu Bala

Date: 2014.07.19

13:40:58 IST

Mr. Pramod Swarup, Sr. Adv.

In SC 8400/08

Reason:

Ms. Pareena Swarup, Adv.

& SC 3266/09

Ms. Sushma Verma, adv.

Mr. Prashant Chaudhary, Adv.

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in SC 8473/08

Mr. Nagendra Rai, Sr. Adv.

Mr. Shantanu Sagar, Adv.

Mr. Smarhar Singh, Adv.

Mr. Shashank, Adv.

Ms. Prerana Singh, Adv.

Mr. T. Mahipal, Adv.

In SC 10667/08 Mr. Anilendra Pandey,Adv.
Mr. N.N.Jha,Adv.
Mr. Vishnu Shankar,Adv.
Mr. Shriram Parakkat,Adv.
Mr. Kailash Chand,Adv.

In SC 12752-57/09 Mr. Madhu Mukul Tripathi,Adv.
Mr. Y.P. Dhingra,Adv.

In SC 8424/08 Ms. Meenakshi Arora,Sr.Adv.
Mr. Prashant Shukla,Adv.
Mr. Shahil Ahmed Syed,Adv.
Mr. Ankit Roopanwal,Adv.
Ms. Apoorva Tripathi,Adv
Mr. Vishnu Jain,Adv.

In SC 537/09 Mr. K.L. Janjani,Adv.

InSC 29448/08 Mr. Nagendra Singh,Adv.
Mr. Vishwa Pal Singh,Adv.

For Respondent(s) Mr. Gaurav Bhatia,AAG
Mr. R.P.Mehrotra,Adv.
Mr. Vibhu Tiwari,Adv.
Mr. Abhinav K.Malik,Adv.

Mr. Dinesh Kumar Tiwari,Adv.
Mr. Santosh Kr. Tripathi,Adv.
Mr. Chandan Kr.,Adv.
Ms. Mala Dubey,Adv.

Mr. Mukul Kumar,Adv.

Mrs. Indu Sharma,Adv.

Ms. Mridula Ray Bharadwaj,Adv.

Mr. Manoj K.Mishra,Adv.

Mr. Dharam Bir Raj Vohra,Adv.

Ms. Pratibha Jain,Adv.

Mr.Tayenjam Momo Singh,Adv.

Mr. Shekhar Kumar,Adv.

Mr. Anuvrat Sharma,Adv.

Mr. Gunnam Venkateswara Rao,Adv.

Mr. Rohit Singh,Adv.

Mr. S.R. Setia,Adv.

Ms. Sandhya Goswami,Adv.

Mr. Vijay Kumar Tripathi,Adv.

Mr. Deepak Goel,Adv.

Mr. Santosh Kr. Tripathi,Adv.

Mr. Vijay Kumar,Adv.

...3/-

Ms. Vidhika Garg,Adv.

Mr. Varun Sarin,Adv.

Mr. Anil Sharma,Adv

Mr. Ashok Mathur,Adv.

Mr. R.A.Yadav,Adv.

Mr. Kamlesh Kumar Maurya,Adv.

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

Heard learned counsels for the parties.

Leave granted.

All interlocutory applications are allowed.

The appeals are disposed of in terms of the
signed order.

(MADHU BALA)

COURT MASTER

(Signed order is placed on the file)

(SNEH LATA SHARMA)

COURT MASTER

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6549 OF 2014
(@ SPECIAL LEAVE PETITION (C) NO. 8400/2008)

HC PRADEEP KUMAR RAI & ORS.

... APPELLANT(S)

VERSUS

DINESH KUMAR PANDEY & ORS.

.... RESPONDENT(S)

WITH

CIVIL APPEAL NO. 6550 OF 2014
(@ SPECIAL LEAVE PETITION (C) NO. 8424/2008)

CIVIL APPEAL NO.6551 OF 2014
(@ SPECIAL LEAVE PETITION (C) NO. 8473/2008)

CIVIL APPEAL NO. 6552 OF 2014
(@ SPECIAL LEAVE PETITION (C) NO. 10667/2008)

CIVIL APPEAL NO.6553 OF 2014
(@ SPECIAL LEAVE PETITION (C) NO. 29448/2008)

CIVIL APPEAL NO. 6554 OF 2014
(@ SPECIAL LEAVE PETITION (C)NO. 537/2009)

CIVIL APPEAL NO. 6555 OF 2014
(@ SPECIAL LEAVE PETITION (C) NO.3266/2009)

CIVIL APPEAL Nos. 6556-6561 OF 2014
(@ SPECIAL LEAVE PETITION (C)NOS. 12752-12757 /2009)

O R D E R

Heard learned counsels for the parties.

Leave granted.

All interlocutory applications are allowed.

We are not inclined to go into the merits of these appeals in view of the subsequent developments noted below.

The Uttar Pradesh Sub-Inspector and Inspector (Civil Police) Service (Seventh Amendment Rules 2013) has comprehensively altered the promotion criteria from the cadre of Head Constables to that of Sub-Inspectors of police. The new Rules not only do away with the ceiling with regard to age (40 years) that was stipulated by the earlier Rules; even the written examination, interview etc. have all been dispensed with by the new Rules. Specifically under Rule 16 of the 2013 Rules, the promotion criteria is one of the seniority and it is only those who are unfit who would not be promoted. All candidates are required to be physically fit which determination is to be made on the basis of a 3.2 km run to be completed in 35 minutes for male candidates, and 25 minutes for female candidates (for 2.4 kms). Thereafter, the candidates are required to be arranged in order of seniority and subject to not being found unfit for promotion are to be promoted.

The earlier Rules 2008 having been done away with and there being huge number of vacancies against the promotional quota (2500 approximately), we are of the view that all these appeals may now to be disposed of by directing the State of U.P. to initiate and complete the process of promotion of all eligible candidates, including the appellants to the cadre of Sub-Inspector under the Rules of 2013 within a period three

months from today.

We have noticed that under the Rules of 2013 only Head Constables are eligible for promotion to the post of Sub-Inspector whereas under the earlier Rules even constables were so eligible. In this regard, it is stated by Mr. Gaurav Bhatia, learned Additional Advocate General, Uttar Pradesh, that such of the appellants who may have been constables earlier, by this time, must have been promoted to the post of Head Constable in view of the huge number of vacancies in the cadre. Notwithstanding the above, we further direct that, in the event, any of the appellants, who are still holding the post of Constable and have not been promoted to the post of Head Constable, their cases for promotion to the post of Head Constable will be finalised before the directions of this Court with regard to promotion to the post of Sub-Inspector for the cadre of Head Constable is given effect to.

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The appeals are disposed of in terms of the above.

.....J.
[RANJAN GOGOI]

NEW DELHI
15TH JULY, 2014

.....J.
[M.Y. EQBAL]