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SLP(C)No. 22570-22573 OF 2001

ITEM No.39

Court No. 1

SECTION IX

A/N MATTER

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 (Civil) No.22570-22573/2001

(From the judgement and order dated 27/08/2001 in SCA 3205, 3206,  
3210 and 3211 of 2000 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

N.K. SINGH & ORS.

Petitioner (s)

VERSUS

D.S. NARVE & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 09/12/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. Satish K. Agnihotri, Adv.  
Ms. Madhur Dadlani, Adv.  
Ms. Yoogmaya, Adv.  
Mr. Rohit K. Singh, Adv.

For Respondent (s) Mr. Colin Gonsalves, Adv.  
Ms. Aparna Bhat, Adv.

State of Gujarat Mr. Yashank Adhyaru, Sr. Adv.  
Ms. Sumita Hazarika, Adv.  
Ms. Hemantika Wahi, Adv.

UOI Mr. S.R. Hegde, Adv.  
Mr. R.N. Poddar, Adv.  
Mr. Shreekant N. Terdal, Adv.  
Mr. B.V. Balaram Das, Adv.

UPON hearing counsel the Court made the following

O R D E R

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Heard learned counsel for the parties for 10 minutes.

Leave granted.

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

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Sarita (Suneet Bala Sharma) @@  
AA  
Assistant Registrar @@  
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(Signed order is placed on the file)

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CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.8273-8276 OF 2002@@  
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(Arising out of SLP(C)Nos.22570-22573/2001)

N.K. SINGH & ORS. . . . . APPELLANTS

VERSUS

D.S. NARVE & ORS. . . . . RESPONDENTS

O R D E R@@  
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Leave granted.

The appellants are the direct recruits to the Indian Forest Service. Their writ petition has been dismissed by the High Court on a ground that they do not have any locus standi to assail the promotion from the State Forest Service to the IFS cadre. The Union of India in its counter affidavit has indicated that in implementing the directions of the Tribunal the direct recruit officers in the forest service would be pushed down in the seniority and as such they are the persons aggrieved. In view of this stand of the Union of India, the conclusion that the direct recruit officers have no locus standi is not correct.

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It is contended by the learned counsel appearing for the promotees that the original order of the Tribunal not having been assailed by the direct recruit officers, they cannot be permitted to assail it now. This contention is open for them to make before the High Court while the High Court would be disposing of the matter on merits. But the conclusion that the direct recruit officers have no locus standi to file a writ petition cannot be sustained. We, therefore, set aside the order of the High Court and remit the Special Civil Application to be disposed of by the High Court on merits including the effect of non-challenge of any earlier decision of the Tribunal, if any.

The appeals stand disposed of accordingly.

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.....CJI.~

New Delhi,  
December 9, 2002.

.....J.  
(K.G. BALAKRISHNAN)