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IN THE SUPREME COURT OF INDIA
CIVILL APPELLATE JURISDICTION
CIVIL APPEAL NO. 1242 OF 2005

State of Haryana ... Appellant

Versus

Shiv Shankar Goyal & Ors. ... Respondents

O R D E R

The respondent, Shiv Shankar Goyal, had approached the High Court of Punjab and Haryana in Civil Writ Petition No. 3502 of 2002 for issue of writ of certiorari for quashment of the order dated 29th October, 2001, Annexure P/7, to the writ petition whereby the private respondent Nos. 2 and 3 had been promoted, and the order dated 09.01.2002, Annexure P/12, whereby the State Government had rejected the representations of the respondent No. 1.

In course of hearing we have been apprised that the private respondent Nos. 2 and 3 who were promoted to the post of Chief Engineer vide order dated 29th October, 2001 have already attained the age of superannuation. Be it stated, while issuing notice this Court had

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directed status quo to be maintained. As the said respondents have already retired, we think it would be seemly to set aside that part of the order of the High Court by which it has quashed the order of promotion dated 29.10.2001. As far as the quashing of the order dated 9.1.2002 by which the representation of the 1st respondent was rejected is maintained.

As the first respondent was entitled to be considered because of his promotion to the post of the Superintending Engineer, for he within the zone of consideration we direct the respondents to convene a fresh departmental promotion committee to consider the case of the respondent No. 1 for promotion to the post of Chief Engineer. We clarify in case he is found suitable to be promoted, he shall be

extended the benefit of notional promotion from the date on which respondents Nos. 2 and 3 were promoted.

With the aforesaid modification in the judgment and order of the High Court, the appeal is disposed of with no order as to costs.

.....J.
[DIPAK MISRA]

.....J.
[N.V. RAMANA]

NEW DELHI,
MAY 13, 2014.
ITEM NO.110

COURT NO.5

SECTION IV

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 1242 OF 2005

STATE OF HARYANA

Appellant (s)

VERSUS

SHIV SHANKAR GOYAL & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 13/05/2014 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE N.V. RAMANA

(VACATION BENCH)

For Appellant(s) Mr. Manjit Singh, Adv.
Ms. Nupur Choudhary, Adv.
Mr. Kamal Mohan Gupta, Adv.

For Respondent(s) Mr. J.P. Dhanda, Adv.
Mr. T. Mahipal, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is disposed of with no order as to costs.

(Usha Bhardwaj)
A.R.-cum-P.S.

[Sneh Lata Sharma]
Court Master

Signed order is placed on the file.