

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

Petition(s) for Special Leave to Appeal (Civil) No(s).6391/2008

(From the judgement and order dated 19/02/2008 in CMWP No.39072/2004 of the HIGH COURT OF JUDICATURE AT ALLAHABAD)

PRABHA TRIPATHI & ANR.

Petitioner(s)

VERSUS

RAMESH & ORS.

Respondent(s)

(With appln(s) for clarification/modification of court's order, vacating stay, prayer for interim relief and office report)

WITH

SLP(C) NO. 8984 of 2008

(With prayer for interim relief and office report)

SLP(C) NO. 7158 of 2008

(With appln. for impleadment, prayer for interim relief and office report)

SLP(C) NO. 20574 of 2009

(With appln. for permission to file rejoinder affidavit, permission to file addl. documents and office report)

Date: 13/10/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM

HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s)

Mr. P.P. Rao, Sr. Adv.
Mr. R.K. Gupta, Adv.
Mr. S.K. Gupta, Adv.
Mr. M.K. Singh, Adv.
Mr. Shekhar Kumar, Adv.

Mr. Suhail Dutt, Sr. Adv.
Mr. Kuldeep S. Parihar, Adv.
Mr. H.S. Parihar, Adv.

For Respondent(s)

Mr. D.K. Singh, Adv.
Mr. Pradeep Shukla, Adv.
Mr. Abhijit Sengupta, Adv.
Ms. Preetika Dwivedi, Adv.

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Mr. R. Venkataramani, Sr. Adv.
Mr. Aljo K. Joseph, Adv.
Mr. Satya Mitra Garg, Adv.
Ms. Manju Aggarwal, Adv.
Mr. Ranjan Kumar, Adv.

State

Mr. Vivek Singh, Adv.
Mr. Shrish K. Mishra, Adv.

For Impleader(s)

Mr. Neeraj K. Jain, Sr. Adv.
Mr. Y.S. Lohit, Adv.
Dr. Sumant Bhardwaj, Adv.
Mr. Umang Shankar, Adv.
Ms. Mridula Ray Bhardwaj, Adv.

Mr. Anilendra Pandey, Adv.
Ms. Priya Kashyap, Adv.
for Dr. Kailash Chand, Adv.

Mr. M.P. Shorawala, Adv.

Mr. Abinash Kumar Mishra, Adv.

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

SLP (C) No. 6391 of 2008
SLP (C) No. 8984 of 2008
SLP (C) No. 7158 of 2008

On hearing Mr. P.P. Rao, learned senior advocate appearing for the petitioners, Mr. R. Venkataramani, learned senior advocate appearing for the private contesting respondents and Mr. Vivek Singh, counsel appearing on behalf of the State of Uttar Pradesh, we find no merit in these special leave petitions and see no reason to interfere in the matter. There is no infirmity in the order of the High Court holding that the seniority list dated August 19, 2004, in which the two writ petitioners were shown above the private respondents, did not correctly and lawfully represent their respective seniority positions.

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Apart from the reasons assigned by the High Court, we find that the seniority list dated August 19, 2004, not only purported to cancel the earlier final seniority list dated August 20, 2003, but also completely upset the relative positions of the parties in the final seniority list of officers substantively appointed in the Uttar Pradesh Education/General Education Grade Service that was published as far back as on November 12, 1992.

The 1992 seniority list was subsisting and in operation for over a decade and promotions were made from that seniority list. The upsetting of the 1992 seniority list after more than a decade by the impugned seniority list of August 19, 2004 was apparently unjustified and amounted to unsettling positions that were long settled.

For that reason alone, we are unable to sustain the impugned seniority list of August 19, 2004 and this is an additional reason not to interfere with the decision of the High Court.

It is contended on behalf of the petitioners that the 1992 seniority list was challenged in a writ petition filed before the Allahabad High Court. It appears that the writ petition challenging the 1992 seniority list was one of a large batch of cases that were heard together. So far as that particular writ petition was concerned no one appeared to press it. The High Court presumed that since the 1992 seniority list was superseded by a new seniority list, the cause of action did not survive and it was for that reason that no one wanted to press the writ petition. The High Court, therefore, dismissed the writ petition and vacated all the interim orders passed in it. It was stated on behalf of the petitioners that a restoration petition was then filed that remains pending before the High Court.

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Since the restoration petition is pending, it would without

doubt receive due consideration and an appropriate order would be passed on it by the High Court. We need not make any comment on the restoration petition or the writ petition that was dismissed for non-prosecution.

The special leave petitions are dismissed. As a consequence, all pending IAs also stand disposed of.

The dismissal of the special leave petitions shall naturally lead to vacating all interim orders passed by the Court.

SLP (C) No. 20574 of 2009

This special leave petition arises from a dispute of seniority.

The issues raised in this petition are squarely covered, unfortunately against the petitioner, by a recent decision of this Court in Pawan Pratap Singh & Ors. v. Reevan Singh & Ors., (2011) 3 SCC 267, in which one of us (Aftab Alam, J.) was a party.

Following the aforesaid decision, the special leave petition is liable to be dismissed, which is accordingly dismissed.

The order passed in this special leave petition will not adversely affect the restoration petition said to have been filed by the petitioner for restoration of his writ petition challenging the 1992 seniority list before the High Court, which shall be decided on its own merits.

(N.S.K. Kamesh)
Court Master

(Sneh Bala Mehra)
Court Master