

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 902/2014

U.P. KHADI AND VILLAGE INDUSTRIES
BOARD .. APPELLANT(S)

VERSUS

BAL KRISHUN SHARMA & ANR. .. RESPONDENT(S)

O R D E R

Bal Krishun Sharma, respondent No. 1 filed a claim petition before the State Public Tribunal, Lucknow in 2004 on the anvil of his retirement in 2005 seeking promotion on parity with the case of his junior Prem Nath Singh who had been promoted to the post of Assistant Development Officer, Grade-II. The appellant took the stand that Prem Nath Singh had been wrongly promoted to the said post and had since been reverted to the post of Accountant and thus respondent No. 1 could not claim promotion on the basis that his junior had been so promoted.

Respondent No. 1 succeeded in terms of a direction passed on 29.05.2007 for consideration of his case for promotion from the date of promotion of his junior.

The appellant filed a writ petition before the High Court of Allahabad which has been dismissed by observing that even if Prem Nath Singh was reverted, the case of Mohan Chand Pant could not be ignored.

Learned counsel for the appellant points out that Mohan Chand Pant filed a petition in 1997 which was favourably considered on 16.12.1999. Till that time, Prem Nath Singh had not been reverted as he was reverted on 30.06.2000. Thus in case of Mohan Chand Pant, it was so implemented.

The respondent No. 1 was alleged to be the fence sitter who filed the petition much later in the year 2004 on the anvil of his retirement.

None has appeared for the respondents despite service.

On hearing learned counsel for the appellant and considering the factual matrix, we cannot say that the plea of the respondent No. 1 based on Prem Nath Singh is any more sustainable in view of his reversion. No doubt Mohan Chand Pant succeeded on that basis at that time, since Prem Nath Singh had not been reverted back by then, while respondent No. 1 was sitting on the fence waiting for the result thereof and till much

later. In this short ground alone, the impugned orders are liable to be set aside.

The appeal is allowed, leaving the parties to bear their own costs.

We may note that the operation of the impugned order remained stayed during the pendency of the appeal in terms of order dated 03.12.2010.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[M.M. SUNDRESH]

NEW DELHI,
MARCH 09, 2022.

ITEM NO.104

COURT NO.6

SECTION III-A

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

Civil Appeal No(s). 902/2014

U.P. KHADI AND VILLAGE INDUSTRIES BOARD

Appellant(s)

VERSUS

BAL KRISHUN SHARMA & ANR.

Respondent(s)

IA No. 2/2009 - STAY APPLICATION)

(IA. 75493/2009, IA. 93360/2009

Date : 09-03-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s) Mr. Ankit Goel, AOR

For Respondent(s)

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

The appeal is allowed, leaving the parties
to bear their own costs.

Pending applications stand disposed of.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)

[Signed order is placed on the file]