

ITEM NO.114

COURT NO.3

SECTION III-A/XI

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

Civil Appeal No(s). 3695/2007

SRI ATIBAL SINGH &amp; ORS.

Appellant(s)

VERSUS

PRAMOD SHANKAR UPADHYAY &amp; ORS.

Respondent(s)

(WITH IA 3/2006 FOR CLARIFICATION/DIRECTION, IA 9/2013, IA 10/2016,  
IA 11/2016 AND IA 12/2016)

WITH

C.A. No. 3704/2007 (III-A)  
(WITH IA 3/2006)

C.A. No. 3706/2007 (III-A)

C.A. No. 3115-3127/2012 (III-A)

C.A. No. 3705/2007 (III-A)

C.A. No. 3688/2007 (III-A)  
(WITH IA 2/2014)

C.A. No. 3686/2007 (III-A)

C.A. No. 3685/2007 (III-A)

C.A. No. 3687/2007 (III-A)

SLP(C) No. 28395/2011 (XI)

SLP(C) No. 28917/2011 (XI)

SLP(C) No. 28535-28536/2011 (XI)

SLP(C) No. 33760/2011 (XI)

SLP(C) No. 3435/2012 (XI)

S.L.P.(C)...CC No. 14685/2013 (XI)

SLP(C) No. 479/2016 (XI)  
(IA 5/2016 FOR VACATING STAY  
IA 6/2016 FOR INTERVENTION APPLICATION  
IA 7/2016 FOR EXEMPTION FROM FILING O.T.  
IA 8/2016  
IA 123317/2017 FOR INTERVENTION APPLICATION)

SLP(C) No. 13962/2016 (XI)  
IA 64004/2017 & IA 85093/2017 FOR VACATING STAY)

SLP(C) NOS.20618-20619/2017

Date : 10-05-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE NAVIN SINHA

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Ms. Shalini Kumar, Adv.

Mr. Ardhendumauli Kumar Prasad, Adv.

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

I.A. No.68586 of 2018 in C.A. No.3695 of 2007

We have considered the prayers made in the present application which are as follows :

- “(a) clarify the interim order dated 27.11.2006 passed by this Hon’ble Court in the Civil Appeal No.3695 of 2007 that petitioner/applicant is not restrain for further promotion and;
- (b) stay the order dated 03.11.2016 passed by the Hon’ble High Court of Allahabad Bench at Lucknow in Writ Petition Service Bench No.24634 of 2016 and;
- (c) directed respondent to conduct the DPC as per the eligibility list dated 26.08.2017 and;
- (d) pass such other further order/s as this Hon’ble Court may deem fit in the facts and circumstances of this case.

The order dated 03.11.2016 passed by the High Court of Allahabad, Lucknow Bench in Service Bench No.24634 of 2016 was challenged before this Court in Special Leave Petition (C) No.6490 of 1017

wherein this Court has passed the following order on 11.12.2017 :-

“Having heard learned counsel for the parties, we are of the considered opinion that the High Court should hear the Service Bench No.24634/2016 and Contempt Petition No.2510/2017, both pending before the High Court of Judicature at Allahabad Bench at Lucknow, together, so that there is no confusion. Accordingly, we request the High Court to take both the matters together and dispose of the same within three months, if possible.

The High Court may pass appropriate orders as it thinks fit.

With the aforesaid observations and request, the special leave petition is disposed of.”

It appears that the High Court is still in seisin of the matter despite the time frame fixed by this Court. We, therefore, request the High Court to hear and decide Service Bench No.24634/2016 along with Contempt Petition No.2510/2017 within a period of four weeks from today. We also deem it appropriate to clarify that at no point of time this Court has put any restraint on the promotion of the applicant(s)/appellant(s) and the interim order of

this Court dated 27.11.2006 is only one of stay of reversion.

The High Court will, therefore, hear and decide the matter(s) keeping in view the above clarification.

(NEETU KHAJURIA)  
COURT MASTER

(ASHA SONI)  
BRANCH OFFICER