

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8654 OF 2011

CHAIRMAN, ADMINISTRATIVE COMMITTEE,
CENTRAL CADRE AUTHORITY CELL, U.P. & ANR. ... APPELLANTS

VS.

MEHBOOB HUSSAIN (D) THROUGH LRS. ... RESPONDENTS

O R D E R

1. The respondent was appointed as an Accountant with the appellant-Milk Union in the year 1972. He was promoted as a Manager Grade-IV by an order dated 27.06.1986. The grievance of the respondent is that he was not considered for promotion to the post of Manager Grade-III, which is a post in higher pay-scale. He filed a writ petition in the High Court at Allahabad, seeking a direction to the appellants to consider his case for promotion as Manager Grade-III.

2. During the pendency of the writ petition, the respondent retired on attaining the age of superannuation on 31.12.2006. The High Court allowed the writ petition and directed the appellant to consider the case of the

respondent for his notional promotion as Manager Grade-III for the purpose of revised pension and other post retiral dues in accordance with law. While granting relief to the respondent, the High Court directed the appellant to consider the cases of his seniors also. The seniors to the respondent did not approach the High Court seeking the relief claimed by the respondent. They have filed an application (I.A.No.135979/2018) for impleadment in the above appeal. No relief could have been granted to all the seniors to the respondent without examining their claims.

3. In view of the retirement of the respondent on 31.12.2006, we are not inclined to examine the merits of the case. We are of the opinion that the respondent is entitled for notional promotion to the Manager Grade-III for the purpose of revised pension and other post retiral dues.

4. The learned counsel appearing for the applicants in I.A. for impleadment submits that there is no reason to ignore their claims, especially when their junior has been given benefit by the High court, which is affirmed by us. We are unable to agree with the said submission. We give liberty to the seniors to the respondent to make a representation to the appellant which shall be considered within a period of eight weeks from the date on which it is made. The relief that is granted by the High Court is

restricted only in respect of the respondent and the question of law is kept open.

5. The appeal is disposed of in the above terms. Consequent, thereto, pending application, if any, shall also stand disposed of.

.....J.
[L. NAGESWARA RAO]

.....J.
[M.R. SHAH]

New Delhi;
13th March, 2019.

ITEM NO.107

COURT NO.13

SECTION III-A

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(s).8654/2011

CHAIRMAN, ADMINISTRATIVE COMMITTEE, CENTRAL
CADRE AUTHORITY CELL & ANR.

Appellant(s)

VERSUS

MEHBOOB HUSSAIN (DEAD) THR. LRS.
(With appln. for impleadment)

Respondent(s)

Date : 13-03-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s) Mr. Varinder Kumar Sharma,AOR
Ms. Parul Sharma,Adv.
Mr. Shantanu Sharma,Adv.

For Respondent(s) Mr. Syed Ahmad Saud,Adv.
Mr. Uzmi Jameel Hussain,Adv.
for Mr. Shakil Ahmed Syed,AOR

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

The appeal is disposed of in terms of the signed
order.

(Kailash Chander)
Assistant Registrar

(Sarita Purohit)
AR-cum-PS

(Signed order is placed on the file)