

ITEM NO.802

COURT NO.5

SECTION XI

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

I N D I A

CONMT.PET.(C) No. 214/2013 In C.A. No. 2679/2011

(s) AMAR KUMAR & ORS.

Petitioner

VERSUS

(s) JAVED USMANI, C.SEC., GOVT.OF U.P.& ORS.

Respondent

with

CONMT.PET.(C) No. 414/2015 In C.A. No. 2610/2011

Date : 24/11/2015 These petitions were mentioned today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Aniruddha P. Mayee, Adv.

For Respondent(s) Mr. Ravi Prakash Mehrotra, Adv.(Mentioned by)

UPON being mentioned by counsel the Court made the following
O R D E R

Taken on board.

It has been submitted by Mr. Ravi Prakash Mehrotra, learned counsel appearing for the State that a paragraph that occurs at page 5 of the order dated 13.10.2015 requires to be modified.

The said paragraph reads as under :-

"Be it noted, it has been stated in the affidavit that if anyone is grieved by the order of reversion or in case of any grievance that a person ought to have been

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Jayant Kumar Arora
Date: 2015.11.27

reverted, if raised, shall be decided on top

13:59:04 IST
Reason:

priority by the State Government.

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We inquired from Mr. Mehrotra, learned counsel for the State that who would be the competent authority who will decide it,

learned counsel has submitted that he has instructions to state that Principal Secretary, Department of Personnel, State of U.P., shall decide the same. If anyone is grieved by the decision taken by the said authority, the said person is entitled to file an interlocutory application before this Court in the disposed of Civil Appeal No. 2608 of 2011 and connected appeals, so that suitable order can be passed. The purpose of stating so is that no other court shall entertain the challenge to the grievance of any person."

It is contended by Mr. Mehrotra that there are around one thousand representations/grievance petitions and a singular authority is not in a position to take the decision on the same. It is urged by him that instead of Principal Secretary, Department of Personnel, State of U. P., it may be substituted as Principal Secretary/Head of the Department in respect of employees of the State, and the Managing Director of the Corporations (Competent Authority/Appointing Authority) who shall decide the petitions in respect of the employees of the Corporation. The said prayer is accepted.

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At this juncture, it is necessary to further add that anyone who shall make a representation mitigating its grievance, shall be afforded an opportunity of hearing and the concerned authority, as mentioned hereinabove, shall decide the same within a period of eight weeks from the date of receipt of the representation. The persons who have not submitted their representation mitigating their grievance, may submit the

petitions/representations within four weeks hence.

Anyone who

is grieved by the decision of the competent authority, will be entitled to file an application in the disposed of Civil Appeal

and other connected appeals, as has been mentioned in the earlier order.

We may hasten to add that the competent authority shall pass a reasoned order so that it can be appreciated by this Court.

Needless to emphasise that any representation which has to be decided, has to be in the light of the principles enshrined in U.P. Power Corporation Ltd. Vs. Rajesh Kumar & Others reported in (2012) 7 SCC 1. Needless to say, the competent authority shall be guided by the principles of objectivity while passing the order.

The order dated 13.10.2015 is modified to the above extent.

(Jayant Kumar Arora)
Sr. P.A.

(H.S. Parasher)
Court Master