

(2000) 02 SC CK 0025

In the Supreme Court Of India

Case No : Review Petition (Civil) No. 60 of 2000

Hari Ram and Another

APPELLANT

Vs

Harish Chandra Bhagat and Others

RESPONDENT

Date of Decision : 01-02-2000

Acts Referred:

Citation : (2000) 4 JT 263

Hon'ble Judges : A.S. Anand, C.J;S.B. Majmudar, J;M. Jagannadha Rao, J;G.B. Pattanaik, J;B.N. Kirpal, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

1. We find no merit in this review petition.
2. The Petitioners in this review petition are the reserved candidates. They are Appellants in C.A. No. 2868/98. The case arose out of judgment of the Rajasthan High Court in W.P. 4918/97 filed by the general candidates. The writ petition was partly allowed by the High Court directing modification of the seniority list giving effect to Ajit Singh No. 1 Ajit Singh No. 1 JT 1996 (2) SC 727 = 1996 (2) SCC 715) The High Court, however, rejected the contention of the general candidates that placement of Addl. Superintendents of police (Senior Scale) as Addl. Superintendents (Selection Scale) did not amount to a "promotion". The High Court followed State of Rajasthan v. Fateh Chand Soni JT 1995 (9) SC 523 : 1996 (1) SCC 562 and held that it was a "promotion" and reserved candidates could be promoted at roster points.
3. This Court did not disturb the principle laid down in State of Rajasthan v. Fateh Chand Soni to the effect that placement of Additional Superintendents of Police (Senior Scale) as Additional Superintendents (Selection Scale) amounted to "promotion" so as to give the reserved candidates the benefit of reservation by way of roster points. So far as counting of seniority is concerned, this Court, however, agreed with the High Court and accepted Ajit Singh No. 1.

4. A contention was raised before us on behalf of the State of Rajasthan that there should be no reversions of reserved candidates who were promoted before 1.4.1997. This plea was accepted. However, at the same time, the State accepted that seniority could be refixed in the light of Ajit Singh No. 1 even in respect of reserved candidates, as directed by the High Court.

5. The contention that is now raised is that the Seniority list determined as per the judgment of the High Court following Fateh Chand Soni has been unnecessarily disturbed. This contention cannot be accepted. On the question of seniority, Ajit Singh No. 1 was to govern while on the question of placement from Senior Scale to Selection Scale the case was to be governed by Fateh Chand Soni and the directions given by the High Court that seniority should be refixed were affirmed. The limited protection given was that those reserved candidates who were promoted before 1.4.1997 were not to be reverted. The directions given in the last three paragraphs are clear and even examples have been worked out. No other points were urged on behalf of the reserved candidates at the time of hearing of the case.

6. There is no merit in this review petition. It is, accordingly, dismissed.