
(2014) 02 MP CK 0037
In the Madhya Pradesh High Court
Case No : W.P. No. 19316 of 2013

Mosam Lal Pradhan

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision : 26-02-2014

Acts Referred:

Citation : (2014) 2 MPLJ 454

Hon'ble Judges : K.K. Trivedi, J

Bench : Single Bench

Advocate : S.K. Tiwari, Advocate for the Appellant; A.K. Chaurasiya, Government Advocate for State and Praveen Pandey for Respondent No. 7, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

K.K. Trivedi, J.—Shri S.K. Tiwari, learned counsel for the petitioner.

Shri A.K. Chaurasiya, learned Government Advocate, for the respondents-State.

Shri Praveen Pandey, learned counsel for the respondent No. 7.

This writ petition is directed against the order of supersession of the petitioner as against the respondent Nos. 6, 7 and 8.

2. The writ petition was admitted for hearing. However, some good sense prevailed in the mind of authorities and the order of promotion of juniors, superseding the persons like petitioner, was recalled. Against the said order, those who were promoted, had approached this Court in number of Writ petitions and all those writ petitions were entertained. The interim stay was granted. Finally, this Court has passed the order on 7-1-2014 in W.P. No. 8610/2013(s) holding that opportunity of hearing was required to be given to those who were promoted before cancellation of their orders of promotion. In view of this, this Court has quashed the order of cancellation of promotion and has remitted back the matter to the official respondents with a direction to grant an opportunity of

hearing to those who were promoted and were sought to be reverted, and to decide the matter afresh. Interim stay granted by this Court has been made absolute till such a decision is taken. It is further prescribed by this Court that in case the promotion order issued in respect of those persons are sought to be cancelled once again after hearing, the interim order shall remain in operation for a further period of one week so as to extend an opportunity to those persons to obtain interim protection from this Court, if required.

3. It is contended by the learned counsel for the petitioner that those who are superseded have not been given any consideration though they have also approached the authorities by making representations. It is contended that in case such an enquiry is to be conducted with respect to the validity of the promotion orders of persons like respondents, it would be necessary for the department to extend an opportunity of hearing to the present petitioner in this writ petition.

4. To this, learned Government Advocate and the counsel appearing for the respondent No. 7 have no objection.

5. That being so, this writ petition is disposed of with a direction to the respondents to look into the complaint of the present petitioner as well while conducting the enquiry with respect to the correctness of the order of promotion of the respondents No. 6, 7 and 8 in terms of the directions issued by this Court on 7-1-2014 in W.P. No. 8610/2013(s) and to decide the claim of the petitioner as well. The order passed on the representation of the petitioner be communicated to the petitioner. The writ petition stands disposed of finally. Certified copy as per rules.