
(1997) 02 SC CK 0083

In the Supreme Court Of India

Case No : Civil Appeal No. 2575 of 1984

Rana Pratap Singh

APPELLANT

Vs

State of U.P. and others

RESPONDENT

Date of Decision : 20-02-1997

Acts Referred:

Citation : AIR 1997 SC 1987 : (1997) AIRSCW 1762 : (1997) 75 FLR 942 : (1997) 3 JT 254 : (1997) 2 LLJ 769 : (1997) 2 SCALE 358 : (1998) SCC(L&S) 476 : (1997) 2 SCR 318 : (1997) 3 Supreme 106 : (1997) 2 UPLBEC 962

Hon'ble Judges : S. Saghir Ahmad, J;K. Ramaswamy, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. This appeal by special leave arises from the judgment dated 17th November, 1983 of the Judgment passed by the Allahabad High Court in W.P. No. 2869 of 1983 etc. W.P. No. 2880 of 1983 having been filed by the appellant herein.

2. The Lucknow Bench of the High Court by order dated November 17, 1983 dismissed all the writ petitions including writ petition filed by the appellant. Subsequently, pending appeals, the Government had decided by proceedings dated December 1, 1984 to sanction the creation of 1300 supernumerary posts of civil police in the pay scale of Rs. 515-860 and that "only those officiating Sub-Inspectors will be absorbed on these posts who have officiated on the posts of Sub-Inspector for three years or more till 30th September, 1984". This Court on 19th April, 1985 while disposing of the C.A. No. 8820 of 1983 and batch had directed the Government to consider the cases of all those persons who had completed three years or more in the light of the above direction for absorption in those supernumerary posts and promoted under para 191 of the Police Office Manual. In respect of other Sub-Inspectors covered under the said para 191 who had not completed three years of service, the reversion stood upheld.

3. The appellant herein claims that he has promoted temporarily in February 1976 as a Sub-Inspector and was appointed on that premise and that he had

been continuing in that post till he was reverted on May 7, 1983. It would appear that pending appeal, the appellant, obviously must have retired from service. However, if the case of the appellant had been considered in the light of the direction issued by this Court, no further action would have been needed. If the Government did not consider his case since the appeal was pending, it is now for the Government to consider his case in accordance with rules for temporary promotion and confirmation in one of the 1300 supernumerary posts created by the Government by the aforesaid order dated 19th April, 1985 passed by this Court, and to pass appropriate in that behalf.

4. The appeal is accordingly disposed of. No costs.