

Virendra Kumar and Others

Vs

Union of India

Civil Appeal No. 441 of 1981

(CJI Y.V. Chandrachud, A.N. Sen JJ)

02.02.1981

ORDER

1. Heard counsel. Special leave granted.
2. Our attention has been invited by learned counsel for both the sides to the relevant rules which govern promotion to the post of Chargeman Grade II. It appears that a large number of persons have been promoted to those posts though they have completed only two years of service. The government now appears to insist that insofar as the appellants are concerned they cannot be considered for promotion unless they complete three years of service. We see no justification for any such differential treatment being given to the appellants. If a large number of other persons similarly situated have been promoted as Chargeman Grade II after completing two years of service, there is no reason why the appellants should also not be similarly promoted after completing the same period of service. We are not suggesting that the appellants are entitled to be promoted to the aforesaid posts even if they are found unfit to be promoted.
3. We therefore direct that the concerned authorities will consider the cases of the appellants for promotion as Chargeman Grade II and promote them to the said posts unless they are found to be unfit. If the appellants are promoted they will naturally have to be promoted with effect from the date on which they ought to have been promoted.
4. This order will dispose of the appeal.
5. There will be no order as to costs.

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