

U. P. State Electricity Board and Another

Vs

Fateh Chand Sharma Kaushik and Others

Civil Appeal No. 1701 of 1987

(E. S. Venkataramiah, K. N. Singh JJ)

12.08.1987

ORDER

1. Special leave granted.

2. We have heard learned counsel for the parties. We agree with the view expressed by the U.P. Public Services Tribunal which has been affirmed by the High Court that the decision taken by the U.P. State Electricity Board not to promote respondent 1 to the post of Assistant Engineers on the earlier occasion is unsustainable but we do not agree with the direction issued by the Tribunal to the Electricity Board to pass an order promoting respondent 1 to the post of Assistant Engineer with effect from the date on which his junior was promoted in 1977. The Tribunal should have in the circumstances of the case directed the Electricity Board to reconsider the case of respondent 1 again for promotion as on the date on which his junior was promoted in 1977 in the light of relevant material and the findings recorded by it in the course of its order. We accordingly set aside the judgment of the High Court and modify the order passed by the Tribunal by setting aside the direction issued by the Tribunal asking the Board to promote respondent 1 to the post of Assistant Engineer and in its place we substitute the direction that the Electricity Board shall now reconsider the case of respondent 1 for promotion in accordance with law and in the light of the judgment of the Tribunal. The Board shall comply with this direction within three months. The appeal is accordingly disposed of.

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