

Om Prakash Sharma

Vs

State of U.P. and others

I.A.No. 1 of 1990 In Writ Petn. No. 308 of 1988

(CJI Ranganath Misra, P.B. Sawant, K. Ramaswamy JJ)

24.10.1990

ORDER

1. The petitioner was a Sub-Inspector of Police in the U.P. Police Force and was demoted as a Head Constable. The cases of U.P. Police Officers were examined by this Court on an earlier occasion and in terms of the Court's direction the U.P. Government created supernumerary posts to accommodate reverted police officers on their being restored to their former position subject to certain conditions. The petitioner maintains that his reversion was bad and he should have been restored to his position as Sub Inspector as has been done in cases of his colleagues and the basis on which promotion has been refused to him is not tenable in law.

2. An order was made by this Court on 12-10-1990 to the following effect:-

"The matter is adjourned on 24-10-90 to enable Shri Prithvi Raj, Senior learned counsel for the State to submit whether the standards and degree of scrutiny applied in the cases of the petitioner were the same as those applied in all other cases or not. If the petitioner, as alleged by him, is subjected to higher degree of scrutiny, what immediate remedial measures the respondent would suggest. List the matter on 24-10-1990 before a Bench of which Hon'ble Mr. Justice K. Ramaswamy is a Member. The records of the proceedings of the Selection Committee relevant to the case may also be had with the counsel at the time of hearing."

3. In response to the direction made in that order, learned Senior Counsel for the State of Uttar Pradesh produces the relevant file where the material against the petitioner is said to be contained. He states that there is no other material apart from what is available in that file. We have perused the record and are satisfied that there is no tenable material which can justify the benefit to the petitioner being withheld. The petition is allowed and the petitioner is directed to be restored to the post of Sub Inspector.

4. The petitioner is said to be superannuating in November this year. Mr. Prithvi Raj for the State of Uttar Pradesh wants two months time to implement our order and extend the pecuniary benefit available to the petitioner as consequential relief to the present direction.

5. The W.P. is disposed of accordingly.

Order accordingly.

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