

Narendra Nath Sinha

Vs

State of U. P. and Others

Civil Appeal No. 1157 of 1982

(K. Ramaswamy, B. N. Kirpal, Faizanuddin JJ)

05.12.1995

ORDER

1. It is not necessary to go into the controversy raised in this appeal since the contesting respondents have already retired by attaining superannuation. This Court while granting leave and admitting the appeal stated thus :

"Status quo pending disposal of the appeal as of today in the matter of reversion as a consequence of the judgment of the High Court. Future promotions will be subject to the result of the appeal."

In the judgment of the High Court in the first part in paragraph 46, it was stated thus :

"We would further like to clarify that any order that may be passed in these writ petitions should not effect any confirmation or substantive promotion made prior to the filing of the writ petitions."

In the ultimate paragraph of the judgment a contrary opinion was expressed stating that any action taken prior to 29-11-1979 was illegal.

2. It is stated by the appellant that on his promotion as Executive Engineer on 12-7-1979 though initially on ad hoc basis, he was confirmed and regularised as an Executive Engineer on 30-6-1980. Writ Petition No. 2447 of 1980 came to be filed by V. N. Mittal on 29-9-1980. In view of the above facts and in view of the directions issued by this Court the consequence would be that the status quo which the appellant had prior to the order passed by this Court, would continue. The rights accrued to the appellant prior to the date of the filing of the writ petition would continue to be available to him, since his promotion and confirmation as such was not quashed. The Government, therefore, would work out the rights of the appellant accordingly.

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