

SUPREME COURT OF INDIA

Shakuntala

Vs.

State of Haryana

C.A.No.3118 of 2008

(Deepak Verma and K.S.Radhakrishnan JJ.)

09.06.2010

ORDER

1. Heard the learned counsel for the parties.

2. It has not been disputed before us that the appellant herein Smt. Shakuntala has been promoted to the post of Inspector with effect from 18.3.2008. However, learned counsel for the appellant contended before us that even though the appellant has been promoted with effect from 18.3.2008, but in fact she was already promoted on 21.5.2004 and subsequently she was reverted to the post of Sub Inspector on some non-existent grounds.

3. We have been given to understand that the State Government had issued a show cause notice to the appellant which was replied to by the appellant but the objections which were raised by her have not been considered by the State in proper perspective and have been rejected in a slipshod manner.

4. Since substantial relief has already been granted to the appellant during the pendency of the present appeal, we do not deem it fit and proper to decide this appeal on merits. But we are of the opinion that the interest of the appellant has to be safeguarded, that is to say, as to from what date she would be entitled for promotion on the post of Inspector.

5. Learned counsel for the appellant contended that since the appellant was already promoted to the post of Inspector with effect from 21.5.2004, there was no occasion for the respondent-State to have her reverted and then subsequently consider her for promotion and finally promote her to the post of Inspector with effect from 18.3.2008. The learned counsel for the respondent State on the other hand submitted that for the reasons recorded in the various orders, the aforesaid step was taken by the State.

6. At this stage, we are not required to decide the said issue but we keep it open to be decided afresh by the respondents. In this view of the matter, we grant liberty to the appellant to file fresh representation before the respondent State bringing all facts to its notice, within a

period of 15 days hereof. On such representation being received by the respondent State, the same shall be considered afresh on merits in accordance with law within a period of three months from the date of its receipt, under intimation to the appellant.

7. We may, however, clarify that any order passed prior hereto would not come in the way of the appellant for considering her case on merits and the respondents authorities would not be impressed by any observation made by the High Court against the appellant.

8. It is further clarified that in case it is found that some other persons are likely to be affected by the order granting promotion to the appellant from an earlier date, then they would also be heard by the respondent State.

9. With the aforesaid observation and direction this appeal stands disposed of. Parties to bear their respective costs.

10. Heard the learned counsel for the parties.

11. Learned counsel for the respondent State informed us that the case of the appellant could not be considered for promotion to the post of Inspector since a case filed against her under the provisions of the Prevention of Corruption Act was pending. The State has filed a cancellation report on the strength of which the criminal case has been dropped and the cancellation report filed by the respondent State has been accepted on 8.3.2010.

12. However, we have been given to understand that against this order, the complainant has preferred a criminal revision which is pending disposal on merits before the High Court of Punjab and Haryana at Chandigarh.

13. Be that as it may, we direct the respondent State to consider the case of the appellant for promotion to the post of Inspector within a period of three months from the date of communication of this order, which would be subject to the ultimate result of the criminal revision filed by the complainant. With the aforesaid direction, this appeal is disposed of with no order as to costs.

S.L.P.(C) NO. 4190/2007:

Leave granted.

14. The appellants in this appeal are claiming promotion to the post of Inspector. During the pendency of the matter before this Court, all the appellants have been promoted to the post of Inspector on different dates. This statement has been made by the learned counsel for the respondent State and there is no reason to doubt the correctness thereof. Therefore, this appeal for all practical purposes has been rendered infructuous and it is hereby disposed of as such.

15. However, learned counsel for the appellants submitted that an application for directions has been filed by appellant No.3 - Savitri Devi claiming some more reliefs as she was promoted to the post of Sub Inspector whereas other similarly situated persons were promoted to the post of Inspector from an earlier date. If the appellant No.3 has any grievance, she would be at liberty to file appropriate representation with the State which may be considered on merits, under intimation to appellant No.3. The application for direction is disposed of accordingly.