

A

RANA PRATAP SINGH  
v.  
STATE OF U.P. AND ORS.

FEBRUARY 20, 1997

B

[K. RAMASWAMY AND S. SAGHIR AHMAD, JJ.]

*Service Law :*

*U.P. Police Officer Manual :*

C

*Para 191—Police officer—Promotion to officiate as Sub-Inspector—Government sanctioned 1300 super numerary posts in December 1984—Officers who had officiated on the posts of Sub-Inspectors for three years or more till 30.9.1984 required to be absorbed on the newly created posts—This Court's direction to consider the cases of all those persons who had completed three years or more—Others to be reverted—Appellant's claim that he had completed more than three years before his reversion in 1983—Held, it is now for the Government to consider his case in accordance with rules for temporary promotion and confirmation in one of the 1300 supernumerary posts and to pass appropriate orders.*

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 2575 of 1984.

From the Judgment and Order dated 17.11.83 of the Allahabad High Court in W.P. No. 2880 of 1983.

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H.K. Puri for the Appellant.

The following Order of the Court was delivered :

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This appeal by special leave arises from the judgment dated 17th November, 1983 of the Judgment passed by the Allahabad High Court in W.P. No. 2869 of 1983 etc. W.P. No. 2880 of 1983 having been filed by the appellant herein.

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The Lucknow Bench of the High Court by order dated November 17, 1983 dismissed all the writ petitions including writ petition filed by the appellant. Subsequently, pending appeals, the Government had decided by

proceedings dated December 1, 1984 to sanction the creation of 1300 supernumerary posts of civil police in the pay scale of Rs. 515-860 and that "only those officiating Sub-Inspectors will be absorbed on these posts who have officiated on the posts of Sub-Inspector for three years or more till 30th September, 1984". This Court on 19th April, 1985 while disposing of the C.A. No. 8820 of 1983 and batch had directed the Government to consider the cases of all those persons who had completed three years or more in the light of the above direction for absorption in those supernumerary posts and promoted under para 191 of the Police Office Manual. In respect of other Sub-Inspectors covered under the said para 191 who had not completed three years of service, the reversion stood upheld.

The appellant herein claims that he has promoted temporarily in February 1976 as a Sub-Inspector and was appointed on that premise and that he had been continuing in that post till he was reverted on May 7, 1983. It would appear that pending appeal, the appellant, obviously must have retired from service. However, if the case of the appellant had been considered in the light of the direction issued by this Court, no further action would have been needed. If the Government did not consider his case since the appeal was pending, it is now for the Government to consider his case in accordance with rules for temporary promotion and confirmation in one of the 1300 supernumerary posts created by the Government by the aforesaid order dated 19th April, 1985 passed by this Court, and to pass appropriate in that behalf.

The appeal is accordingly disposed of. No costs.

R.P.

Appeal disposed of.