

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THURSDAY, THE SIXTEENTH DAY OF JUNE TWO THOUSAND AND SIXTEEN
(16.06.2016)

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

-
WRIT PETITION No.19103 OF 2016

Union of India,
Rep. by the Secretary,
Government of India, Ministry of Environment
And Forests, Department of Environment,
New Delhi and two others. --- Petitioners.

And
Dr. S.Z.Siddiqui and another. --- Respondents.

Counsel for the petitioners : Mr. B. Narayana Reddy,
Assistant Solicitor General.

Counsel for the Respondent No.1 : -----

Counsel for the Respondent No.2 : -----

This Court made the following:

ORDER: (*Per Hon'ble Sri Justice C.V. Nagarjuna Reddy*)

The order of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad (for short, 'the Tribunal'), dated 24.07.2015, in O.A. No.626 of 2012, is questioned in this writ petition by Union of India and two others.

Undisputed facts are that the Respondent No.1, who was working as Scientist 'C', was due for promotion under Flexible Complimenting Scheme (FCS) with effect from 29.01.2006 to the post of Scientist 'D' and for further promotion to the post of Scientist 'E' with effect from 29.01.2010. However, due to delay in conducting interviews by the petitioners, Respondent No.1 was promoted to the post of Scientist 'D' only with effect from 14.03.2008. Consequently, though he was due for promotion to the post of Scientist 'E' on 29.01.2010, his case was not taken up for consideration till he retired from service on 31.03.2012.

Respondent No.1 has filed the above mentioned O.A. before the Tribunal for the relief that his promotion to the post of Scientist 'D' shall be given effect from 29.01.2006 and to the post of Scientist 'E', to be given effect from 29.01.2010 with all consequential benefits.

Placing reliance on the judgment of the Supreme Court in ***Union of India and another Vs. S.K. Murti*** {Order dated 02.05.2011 in SLP (Civil) No.13133 of 2011 (C.C. No.6864 of 2011)}, the Tribunal has allowed the O.A.

We have perused the judgment of the Supreme Court in ***Union***

of India and another Vs. S.K. Murti, *supra*, wherein the supreme Court has confirmed the judgment of the High Court of Delhi, which reversed the order of Central Administrative Tribunal, Delhi in rejecting the relief claimed by the applicant before it, and granted the relief to him.

The Supreme Court while affirming the said judgment of the Delhi High Court held that the reasons assigned by the High Court in directing promotion of the employee with effect from the date of acquiring eligibility are legally correct and that the impugned order does not suffer from any legal error.

Mr. B. Narayana Reddy, learned Assistant Solicitor General, has submitted that unlike the party in ***Union of India and another Vs. S.K. Murti***, Respondent No.1 has retired from service. In our opinion, this distinction is not material in as much as merely by the fact of retirement, Respondent No.1 has not rendered himself ineligible or he is not disentitled from making a claim for retrospective promotion under the special scheme, as admittedly due to the delay in the process of effecting promotions, his promotion to the post of Scientist 'D' was delayed and he was completely denied the promotion to the post of Scientist 'E'.

On the analysis of the above, we do not find any merit in this writ petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.23434 of 2016 stands dismissed as infructuous.

REDDY, J

C.V. NAGARJUNA

G. SHYAM PRASAD, J

Date: 16-06-2016

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AND

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WRIT PETITION No.19103 OF 2016

(Order of the Division Bench delivered by
Hon'ble Sri Justice C.V. Nagarjuna Reddy)

Date. 16-06-2016

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