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to
06

15.03.2024

Ct-08

sg

CPAN 240 of 2024
Sanjeeb Bhattacharya & Ors.
Versus
Shri V.L. Kantha Rao, Secretary,
Ministry of Mines & Anr.

With
RVW 78 of 2024
CAN 1 of 2024
CAN 2 of 2024
Union of India & Anr.
Versus
Suparna Hazra Goswami & Ors.

With
RVW 80 of 2024
CAN 1 of 2024
CAN 2 of 2024
Union of India & Anr.
Versus
Sanjeeb Bhattacharya & Ors.

With
RVW 81 of 2024
CAN 1 of 2024
CAN 2 of 2024
Union of India & Anr.
Versus
Debahuti Mukherjee & Ors.

With
CPAN 241 of 2024
In
WP.CT 241 of 2010
Suparna Hazra & Ors.
Versus
Shri V.L. Kantha Rao, Secretary,
Ministry of Mines & Anr.

With
CPAN 242 of 2024
Debahuti Mukherjee & Ors.
Versus
Shri V.L. Kantha Rao, Secretary,
Ministry of Mines & Anr.

In
WP.CT 6 of 2011

In
WP.CT 7 of 2011

Mr. Sanjib Bandyopadhyay

... For the Petitioner

Mr. D.N. Ray, Adv.

Mr. Tapan Bhanja, Adv.

...for the UOI

1. In view of the order of the Hon'ble Division Bench dated 16th October, 2007 reported at **2008 (4) ICC 413**, the applications for review are in time.
2. The applications for condonation of delay in filing the review applications are thus, disposed of.
3. These are applications for review of the common order passed on 13th October, 2023 by which we disposed of the writ petitions by directing the Geological Survey of India to extend the similar benefits to the respondents which the Lucknow Bench had granted to persons who are claimed to be similarly placed as that of the respondents in the writ petitions.
4. The order was passed in absence of any affidavit filed by the Geological Survey of India. In fact, various opportunities were given to Geological Survey of India to file an affidavit disclosing whether the respondents are entitled to similar benefits to which the persons who are before the Lucknow Bench had been granted. The said order was passed on the basis of Memo issued by the Deputy Director (P&A) for Director General, Geological Survey of India dated 15th September, 2019 and a subsequent communication dated 17th April, 2019 from which it appears that the order of the

Lucknow Bench has been accepted by the Government of India (Geological Survey of India).

5. Mr. D.N. Ray, learned Senior Counsel appearing on behalf of the Union of India has submitted that, inadvertently the order passed by the Hon'ble Supreme Court in connection with Special Leave Petition No. 553 of 2006 numbered as Civil Appeal No. 4156 of 2008, could not be placed wherefrom it would appear that the Hon'ble Supreme Court has, inter alia, held that the retrospective proforma promotion could not have been granted to the employees who were before the Hyderabad Bench. It is submitted that the Lucknow Bench while giving direction has made it clear that such direction would be subject to the result of the aforesaid Special Leave Petition.
6. We expected the applicants to have been more vigilant and assisted the Court properly as we passed the order after giving several opportunities to Geological Survey of India to disclose the stand vis-à-vis the writ petitioners in view of the judgment of the Lucknow Bench. We were not aware that the Lucknow Bench judgment was subject to the result of the Special Leave Petition.
7. Under such circumstances, we feel that the review applications should be allowed and the matters are required to be heard on merits.
8. The review applications being RVW 78 of 2024, RVW 80 of 2024 and RVW 81 of 2024 are allowed and accordingly, disposed of.
9. The writ petitions shall be placed before appropriate Bench

subject to convenience of the Court.

10. In view of the aforesaid, the contempt applications being CPAN 240 of 2024, CPAN 241 of 2024 and CPAN 242 of 2024 have now become infructuous and accordingly stand dismissed.

11. In view of the disposal of the review applications, the applications for stay also stand disposed of.

12. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Hiranmay Bhattacharyya, J.)