

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 3204 OF 2008

PANDURANG

Appellant (s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(With office report)

Date: 25/05/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE DIPAK MISRA
(VACATION BENCH)

For Appellant(s)

Mr. Nitin Bhardwaj, Adv.
Mr. Ajit Kumar Gupta, Adv.

For Respondent(s)

Mr. R.P. Bhatt, Sr. Adv.
Ms. Madhurima Tatia, Adv.
Mr. B.K. Prasad, Adv.
Mr. Shreekant N. Terdal, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeal stands disposed of with no order as
to costs in terms of the signed order.

(DEEPAK MANSUKHANI)
Court Master

(M.S. NEGI)
Court Master

(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 3204 OF 2008

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O R D E R

In this appeal, the challenge is to the order dated 3rd February, 2004 passed by the Division Bench of the High Court of Judicature at Bombay, Bench at Nagpur in W.P. (Civil) No. 1673 of 2003 whereby it declined to interfere with the order passed by the Central Administrative Tribunal which had not accepted the prayer of the present appellant to confer him the benefit on the post of Blacksmith Grade II.

Regard being had to the factum that his promotion on the Grade D was cancelled and on the erroneous footing, he was promoted to Group B the same was also cancelled. It is worth noting that the Tribunal as well as the High Court have recorded the

cogent reasoning that the appellant was not entitled to promotion and, therefore, the railway administration was justified in cancelling the promotion.

When the matter was listed on the last occasion, we required Mr. R.P. Bhatt, learned senior counsel being assisted by Ms. Madhurima Tatia, learned counsel to take instructions from the respondents whether the appellant could be regularised in Group D post. Mr. Bhatt, after obtaining instructions stated before us that the appellant has been regularised in Group D Post in the year 2005. On a query being made when he is going to be superannuated, Mr. Nitin Bharadwaj, learned counsel appearing for the appellant stated that the appellant would be retiring in the month of August, 2012.

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Regard being had to the fact that the appellant has rendered service to the railway administration for a span of 32 years and has been belatedly regularised due to his own fault, we direct the railway administration to consider his case with utmost sympathy that is expected from a model employer for the purpose of extending the benefit of retiral dues including pension.

With the aforesaid modification in the order passed by the High Court, the appeal stands disposed of with no order as to costs.

.....J.
(Dr. B.S. CHAUHAN)

.....J.
(DIPAK MISRA)

NEW DELHI
MAY 25, 2012.