

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) No.266 OF 2008

BHANWAR SINGH NATHAWAT & ANR.
P E T I T I O N E R S

.....PETITIO

VERSUS

UNION OF INDIA & ORS.
R E S P O N D E N T S

.....RESP

WITH

W.P.(C) Nos. 238-239/2009

W.P.(C) No. 300/2009

W.P.(C) No. 123/2010

W.P.(C) No. 198/2010

SLP(C) Nos.9750-9753/2011

W.P.(C) No. 259/2011

SLP(C) No. 5545/2012

W.P.(C) No. 73/2012

W.P.(C) No. 698/2013

W.P.(C) No. 1097/2013

W.P.(C) No. 28/2014

SLP(C) No. 5006/2014

O R D E R

Heard learned counsel for the parties.

One of the sources of recruitment to the

Indian
Signature Not Verified

Digitally signed by
Administrative Service is by way of promotion from the State Civil
Satish Kumar Yadav
Date: 2014.08.09
13:09:01 IST
Reason:

Service. When the age of superannuation in the
Indian

Administrative Service was 55 years, there was no rigid age bar for

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promotion from the State Civil Service, inasmuch as, the Regulation

provided that ordinarily those who had not crossed 52 years would be eligible for consideration. Thereupon, the age of superannuation was enhanced to 55 years, and yet again in 1971, it was enhanced to 58 years. The age bar was then made more specific. Personnel from the State Civil Service who had crossed the age of 54 years, were rendered ineligible for consideration. This age bar was implemented with effect from 01.01.1979.

Now, the age of superannuation for personnel belonging to the Indian Administrative Service, has been increased from 58 to 60 years. This happened on 13.05.1998. The age bar for eligibility for promotion from the State Civil Service (to the Indian Administrative Service) has however remained stationary, at 54 years. It is the contention of the learned counsel for the petitioners that the bar of 54 years ought to have appropriately raised, keeping in mind the age of superannuation.

We are of the view that the aforesaid determination is a matter of policy. The Central Government alone is competent to determine the issue in hand. It seems, that the issue in hand has never been considered by the Central Government, in the manner it has been projected by the petitioners, before this Court. In the above view of the matter, we asked the learned counsel representing the petitioners, whether the issue should be referred to the Central Government for consideration. On their having consented, we consider it just and appropriate to direct the Central Government to examine the issue. All the petitioners will be at liberty to move appropriate representations to the Central Government within four weeks from today. In case, no such representation is made, the petitions filed by them before this Court shall be treated as their representations. The Central Government shall take a call of the matter, and a final decision shall be taken within a further period of four months.

A proposition similar to the one expressed above has been

Date : 07/08/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr.U.K.Unyal, Sr.Adv.
Mr.Dinesh Kumar Garg, Adv.
Mr.Dhananjay Garg, Adv.

Mr.Mahabir Singh, Sr.Adv.
Mr.S.P.Singh Chauhan, Adv.
Mr. Nikhil Jain, Adv.
Mr.Gagan Deep Sharma, Adv.
Ms.Preeti Singh, Adv.

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Mr.Vinay Kuthiala, Sr.Adv.
Mr. E. C. Agrawala, Adv.
Ms.Vandana Kuthiala, Adv.
Mr.Rajesh Kumar, Adv.

Mr. Pranesh, Adv.

Mr.Gaurav Mehrotra, Adv.
Mr. M. C. Dhingra, Adv.

Mr.Rishi Matoliya, Adv.
Ms.Sumati Sharma, Adv.
Mr.H.D.Thanvi, Adv.
Mr.Sarad Kr.Singhania, Adv.

Mr. S. N. Bhat, Adv.

Mr.Siddharth Mittal, Adv.
Mr. S. K. Sabharwal, Adv.

For Respondent(s) Mr.L.N.Rao, ASG
For UOI Mr.Gaurav Sharma, Adv.
Ms. Asha Gopalan Nair, Adv.
Mr.Yasir Rauf, Adv.

For Intervenor Mr.M.R.Calla, Sr.Adv.
Ms.Pratiksha Sharma, Adv.
Mr.Ankit Acharya, Adv.
Mr.Gaurav Dave, Adv.
Mr. Mohan Pandey, Adv.

Mr.S.S.Shamshery, AAG (Rajasthan)
Mr.Sandeep Singh, Adv.
Mr.Amit Sharma, Adv.
Mr.Harshvardhan Singh Rathore, Adv.
Mr.Varun Punia, Adv.

Mr.Manjit Singh, AAG
Mrs.Vivekta Singh, Adv.
Mrs.Nupur Choudhary, Adv.
Mr.Sanjay Kumar Rathee, Adv.
Mr.Kamal Mohan Gupta, Adv.

Mr. Aruneshwar Gupta, Adv.

Mr. B. Krishna Prasad, Adv.

Ms. Binu Tamta, Adv.

Mrs. Anil Katiyar, Adv.
Mr.Lagnesh Mishra, Adv.
Mr.Parikshit P.Angadi, Adv.

Mr. V. N. Raghupathy, Adv.

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Ms. Anitha Shenoy, Adv.

Upon hearing the counsel the Court made the following

O R D E R

All the writ petitions and the special leave petitions

are disposed of in terms of the signed order.

(SATISH KUMAR YADAV)

COURT MASTER

(PHOOLAN WATI ARORA)

ASSISTANT REGISTRAR

(Signed order is placed on the file)