

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

Petition(s) for Special Leave to Appeal (Civil)...CC 16005/2008

**(From the judgment and order dated 02/04/2008 in WPCT No.208/2007
of the HIGH COURT OF CALCUTTA)**

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

P.N.SINGH & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date: 23/01/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA

HON'BLE MR. JUSTICE AFTAB ALAM

For Petitioner(s) Mr. A. Sharan, ASG.

Mr. Sanjeev Bhardwaj, Adv.

Mr. D.S. Mahra, Adv.

For Respondent(s) Mr. Rajiv Talwar, Adv.

Mr. Parmanand, Adv.

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

Delay condoned.

Leave granted.

The appeal is allowed with no order as to costs.

**(S. Thapar)
PS to Registrar**

**(Madhu Saxena)
Court Master**

The signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 418 OF 2009

(Arising out of SLP(C) No.1884/2009 @ CC 16005 of 2008)

UNION OF INDIA & ORS.

...APPELLANT (S)

VERSUS

P.N. SINGH & ORS.

...RESPONDENT(S)

ORDER

Delay condoned.

Leave granted.

Vide judgment and order dated September 28, 2007 passed by the High Court in WPCT No. 208 of 2007 the Writ Petition filed by Union of India stood dismissed.

Thereafter, Union of India moved Review Petition bearing No. RVW 19 of 2007 which stood allowed in the following terms:-

“In our view, this is a fit case where the order should be reviewed and accordingly, we allow the Application for recalling the order passed by the Division Bench on 28.9.2007 in WPCT No. 208 of 2007 and fix the matter for fresh hearing.”

As can be seen from the operative part of the Order passed by the Division Bench in the Review Petition, the earlier Order dated 28th September, 2007 stood recalled and the Writ Petition bearing No. WPCT 208 of 2008 stood restored.

After restoration the impugned judgment has been delivered by the Division

Bench in WPCT 208 of 2007. The dispute revolves around the promotion claimed by the respondent to the post of Executive Engineer. On going through the impugned order we find that the said order is cryptic. It does not discuss the Service Rules which were in force at the relevant date. It also does not discuss the Rules which are in force as of date.

In the circumstances, we set aside the impugned judgment and restore WPCT No. 208 of 2007 to the file of the Calcutta High Court with a direction that the High Court shall dispose of the said Writ Petition in accordance with law. We request the High Court to expeditiously hear and dispose of the Writ Petition, preferably within nine months.

The civil appeal stand allowed with no order as to costs.

**.....J.
[S.H. KAPADIA]**

**New Delhi,
January 23, 2009**

**.....J
[AFTAB ALAM]**