

ITEM NO.9

COURT NO.6

SECTION IV-B

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 (C) No(s). 9815/2017

(Arising out of impugned final judgment and order dated 03-12-2014 in CWP No. 5148 CAT of 2010 (O&M) and order dated 24-02-2016 in RA No. 21/2016 in 24-02-2016 in CWP No. 5148 CAT of 2010 (O&M) passed by the High Court Of Punjab & Haryana At Chandigarh)

VINOD VERMA

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(STAY APPLICATION and FOR CONDONATION OF DELAY IN FILING SLP)

Date : 11-08-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. C. A. Sundaram, Sr. Adv.
Mr. Puneet Jain, Adv.
Ms. Christi Jain, AOR
Mr. Abhinav Gupta, Adv.
Ms. Priyal Jain, Adv.
Mr. Shailendra Sharma, Adv.

For Respondent(s) Mr. J. S. Attri, Sr. Adv.
Mr. Pradeep Kumar Mathur, Adv.
Mr. Chandra Nand Jha, Adv.

Mr. D. N. Gobardhan, Adv.
Mr. Sachin Sharma, Adv.
Ms. Kirti Dua, Adv.
Mr. Priyash, Adv.
Mr. M. K. Maroria, adv.

Mr. Parveen Kumar Aggarwal, Adv.
Mr. Sanjay Jain, AOR

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

In the counter affidavit filed on behalf of Respondent No.1,
at paragraph 16, it is stated as follows :-

“That the contents of para 5 E and F of the SLP needs no reply being matter of record. It is submitted in this regard that as per TES Grp B recruitment Rules the post of SDE is to be filled up 100% by promotion of which 75% on the basis of seniority cum fitness and 25% on the basis of Departmental Competitive Examination. Meaning thereby in total number of vacancies arise during any particular year 75% vacancies to be filled on the basis of seniority cum fitness and 25% on the basis of Departmental Competitive Examination in ratio of 3:1. In the process of issuing Notifications year-wise vacancies to be filled up under 25% quota had been duly identified/notified and eligibility of each and every candidates has been verified in accordance with relevant Recruitment Rules TES Grp B 1996. If the examination has been conducted in the vacancy year itself the officers gets promotion in the particular vacancy year which is, of course more beneficial for the candidates because they will get the promotional benefits from the date of their promotions in that particular vacancy year. Simultaneously, they will get the same seniority position in the same point that they have been placed in the seniority list no. 6 & 7. Merely non holding of departmental examination on year to year basis may not make the legitimate right of those officers duly promoted under 25% quota vacancies void as against the departmental

competitive examination."

All the interim orders are modified, permitting the respondents to make promotions in terms of the stand taken in the counter affidavit, as extracted above.

However, we make it subject to the result of the Special Leave Petition.

Post after four weeks.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR