

Supreme Court - Daily Orders

Sumer Singh vs Union Of India on 12 September, 2019

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL Appeal No.5182 OF 2012

SUMER SINGH

... ..APPELLANT (S)

VERSUS

UNION OF INDIA & ORS.

... ..RESPONDENT (S)

ORDER

The appellant sought a declaration that he was entitled for promotion as Naib Subedar with effect from 01.02.1998 with all consequential benefits. He appeared in the test for promotion from Havildar to Naib Subedar on 9th and 10th October, 1992. Initially, he was declared to have passed. Thereafter, on 03.06.1993, the declaration in favour of the appellant was cancelled. The said cancellation was not intimated to the appellant.

The appellant made a representation for promotion as Naib Subedar w.e.f. 01.02.1998 on the premise that he had passed the promotion test. On 08.02.1998, the appellant was informed that he did not pass in five out of twelve subjects in the promotion test that was conducted in October, 1992.

Signature Not Verified The appellant filed a writ petition in the High Court of Delhi Digitally signed by GULSHAN KUMAR ARORA Date: 2019.09.17 17:02:36 IST Reason:

seeking a declaration that he should be promoted to the rank of Naib Subedar w.e.f. 01.02.1998. The writ petition was transferred to the Armed Forces Tribunal, Principal Bench, New Delhi. During the pendency of the transferred application before the Tribunal, the appellant retired as Havildar in 2001.

It was contended on behalf of the appellant before the Tribunal that he was not informed about the cancellation of his result in the promotion test. If he had the knowledge that he had failed in the test, the appellant would have taken the test after 1993. In case of his passing the test, he would have been promoted as Naib Subedar, in which event, he would have continued in the service till the year 2005.

The Tribunal summoned the relevant records to verify the ceracity of the contention of the appellant. The records were not produced by the respondent. The Tribunal was of the opinion that the appellant suffered due to the negligence on the part of the respondent in not informing him that he failed in the promotion test.

As the appellant, in fact, was not eligible for promotion, the Tribunal refused to grant the relief as prayed for. However, the Tribunal directed the respondents to pay a compensation of Rs.50,000/- to the appellant.

We are in agreement with the judgment of the Tribunal that the appellant lost an opportunity of taking the promotion test due to the negligence of the respondents. However, we are of the considered opinion that the compensation should be increased from Rs.50,000/- to Rs.2,00,000/-. We affirm the judgment of the Tribunal with the aforesaid modification.

The appeal is disposed of accordingly.

.....J.

[L. NAGESWARA RAO] .....,J.

[HEMANT GUPTA] New Delhi;

September 12, 2019.

ITEM NO.103

COURT NO.9

SECTION XVII

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). 5182/2012

SUMER SINGH

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 12-09-2019 This appeal was called on for hearing today. CORAM : HON'BLE MR. JUSTICE L. NAGESWARA RAO HON'BLE MR. JUSTICE HEMANT GUPTA For Appellant(s) Mr. Shree Pal Singh, AOR Mr. K. Sitarama Rao, Adv.

Mr. Rahul Singh, Adv.

For Respondent(s) Mr. R. Balasubramaian, Sr. Adv.

Mr. Shailender Saini, Adv.

Mr. R.K. Verma, Adv.

Mr. Mukesh Kumar Maroria, AOR UPON hearing the counsel the Court made the following O R D E

R The appeal is disposed of in terms of the signed order.

(GULSHAN KUMAR ARORA)  
COURT MASTER

(SUNIL KUMAR RAJVANSHI)  
COURT MASTER

(Signed order is placed on the file)