

ITEM NO.8

COURT NO.7

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.4371/2011

(Arising out of impugned final judgment and order dated 21-07-2009 in SA No. 811/2009 passed by the High Court Of Judicature At Allahabad)

PREM SINGH

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(FOR ON IA 3/2015 and IA No.133383/2017-MODIFICATION)

WITH W.P.(C) No. 104/2017 (X), W.P.(C) No.139/2017 (X)

W.P.(C) No.194/2016 (X) (INCOMPLETE BEFORE COURT COUNTER AFFIDAVIT NOT FILED BY STATE OF UP)

W.P.(C) No. 563/2016 (X) (INCOMPLETE BEFORE COURT COUNTER AFFIDAVIT NOT FILED BY STATE OF UP)

W.P.(C) No. 557/2016 (X) (INCOMPLETE BEFORE COURT COUNTER AFFIDAVIT NOT FILED BY STATE OF UP)

W.P.(C) No. 561/2016 (X) (INCOMPLETE BEFORE COURT COUNTER AFFIDAVIT NOT FILED BY STATE OF UP)

W.P.(C) No. 571/2016 (X) (INCOMPLETE BEFORE COURT COUNTER AFFIDAVIT NOT FILED BY STATE OF UP)

W.P.(C) No. 850/2016 (X), W.P.(C) No. 849/2016 (X)

W.P.(C) No. 427/2017 (X)

Date : 11-04-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.
 Ms. Madhavi Divan, Adv.
 Mr. Dinesh Kumar Garg, AOR
 Mr. Abhishek Garg, Adv.
 Mr. Dhananjay Garg, AOR
 Mr. Deepak Mishra, Adv.

For Respondent(s) Mr. S.R. Singh, Sr. Adv.
 Mr. Ankur Prakash, AOR
 Mr. Aviral Saxena, Adv.
 Mr. Ashutosh K. Sharma, Adv.

Mr. Abhishek, AOR

Ms. Garima Prashad, AOR
Mr. Abhinav Agrawal, Adv.

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

SLP(C) No.4371/2011

At the time of hearing of the instant special leave petition, it was pointed out that a Rule similar to the one in question here has been struck down in relation to the State of Punjab in *Kesar Chand vs. State of Punjab and Ors.* - 1988 (5) SLR 27.

Mr. S.R. Singh, learned Senior Counsel appearing for the respondent-State, rightly submits that Rule 370 still stands in the Civil Service Regulations of Uttar Pradesh and a direction contrary to the same may not be given by this Court.

Having regard to the fact that this Court has upheld a decision that a *pari materia* provision enacted in the State of Punjab which excluded the computation of period of work-charged service from qualifying service, is illegal and liable to be set aside, we consider it appropriate to issue notice to the Respondent - State of Uttar Pradesh, calling upon to show cause why Rule 370 of the Civil Service Regulations of Uttar Pradesh should not be struck down.

Issue notice to the respondent-State of Uttar Pradesh returnable on 09.05.2018.

W.P.(C) No. 104/2017, W.P.(C) No.139/2017, W.P.(C) No.194/2016
W.P.(C) No. 563/2016, W.P.(C) No. 557/2016, W.P.(C) No. 561/2016,
W.P.(C) No. 571/2016, W.P.(C) No. 850/2016, W.P.(C) No. 849/2016,
W.P.(C) No. 427/2017

List these matters along with SLP(C) No.4371/2011 on 09.5.2018.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)
ASST.REGISTRAR