

ITEM NO.202

COURT NO.6

SECTION XI

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C)No.3827/2006

(From the judgement and order dated 21/10/2005 in CMWP No.49684/2003 & CMWP No.49683 of 2003 of
The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P. & ORS.
(s)

Petitioner

VERSUS

NIRMAL SINGH & ORS.

Respondent(s)

(With appln.(s) for exemption from filing O.T. and c/delay in filing counter affidavit, directions and with
prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

Date: 20/07/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B.SINHA
HON'BLE MR. JUSTICE H.S.BEDI

For Petitioner(s)

Ms.Niranjana Singh, Adv.

For Respondent(s)

Mr.U.U.Lalit, Sr.Adv.
Mr.Kaushal Yadav, Adv.
Mr.Durgesh Yadav, Adv.
Mr. Harinder Mohan Singh, Adv.

Mr.Nagendra Singh, Adv.
Mr.Vishal Chauhan, Adv.
Mr.Vishwa Pal Singh, Adv.

UPON hearing counsel the Court made the following
ORDER

Delay condoned.

Having heard learned counsel for the parties, we are of the view that this is not a fit case

where we should exercise our jurisdiction under Article 136 of the Constitution of India having

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regard to the fact that admittedly the Director of Education himself has regularised the services of

524 teachers including the respondent herein. Once an order of regularisation has been passed by

a competent authority and he has asked for funds for payment of salary, in our opinion, unless the said order of regularisation is cancelled in accordance with law, the petitioner cannot deny

payment of salary to the respondents. Learned counsel for the petitioners, however, has made a

endeavours to show to us that the appointment of the respondent was not in accordance with law. We are not inclined to go into this question as in the event, the said contention of the learned counsel is correct they are not remediless in the sense that action in accordance with law

can be taken therefor. We accordingly direct the petitioner to pay the amount of salary payable

to the respondent including the arrears at an early date and not later than three months from the

date of communication of this Order.

The Special Leave Petition is dismissed with the above-mentioned observations.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master