

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 (Civil) No(s).14014/2013

(From the judgement and order dated 06/10/2012 in SA No.284/2012 of the
HIGH COURT OF UTTARAKHAND AT NAINITAL)

STATE OF UTTARAKHAND TH. PRINC.SEC.&ORS. Petitioner(s)

VERSUS

ATOL SINGH Respondent(s)
(With prayer for interim relief and office report)

WITH

SLP(C) NO. 14922 of 2013
(With appln. for c/delay in filing SLP and office report)

SLP(C) NO. 14916 of 2013
(With appln. for c/delay in filing SLP and office report)

SLP(C) NO. 16120 of 2013
(With appln. for c/delay in filing SLP)

SLP(C) NO. 14917 of 2013
(With application for vacating interim order and office report)

SLP(C) NO. 14921 of 2013
(With appln. for c/delay in filing SLP and office report)

SLP(C) NO. 20648 of 2013
(With office report)

SLP(C) NO. 20649 of 2013
(With office report)

SLP(C) NO. 20653 of 2013
(With office report)

SLP(C) NO. 20654 of 2013
(With office report)

SLP(C) NO. 16088 of 2013
(With appln. for exemption from filing O.T. and with prayer for interim
relief and office report)

SLP(C) NO. 28828 of 2013
(With office report)

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SLP(C) NO. 28830 of 2013
(With office report)

SLP(C) NO. 28831 of 2013
(With office report)

SLP(C) NO. 28833 of 2013
(With office report)

SLP(C) NO. 28834 of 2013
(With office report)

SLP(C) NO. 28835 of 2013
(With office report)

SLP(C) NO. 28836 of 2013
(With office report)

SLP(C) NO. 37016 of 2013
(With office report)

SLP(C) NO. 20652 of 2013
(With office report)

Date:17/02/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Ms. Rachana Srivastava,Adv.
Mr. Utkarsh Sharma, Adv.
Ms. Pratiksha Chaturvedi,Adv.

For Respondent(s) Ms. Sandhya Goswami,Adv.
Mr. M.P.S. Tomar,Adv.
Mr. Jabar Singh,Adv.
Mr. Sanjay Krishna, Adv.

Mr. Hem Chandra Joshi, Adv.
Dr. Meera Agarwal,Adv.
Mr. Ramesh Chandra Mishra,Adv.

Mr. Ateev Mathur, Adv.
Mr. Sumit Bansal, Adv.
Mr. Gagan Gupta,Adv.

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

SLP(C) No.14014/2013:

Ms. Rachna Srivastava appearing for the State of Uttarakhand informs that the respondent Atol Singh has already been regularised as per Regularization Rules 2011. The High Court's order shows that he has to be paid the minimum of the pay scale prior to regularization and that is as per the judgment of this Court in the case of State of U.P. & Ors. vs. Putti Lal reported in 2006 (9)SCC 337. Therefore, we see no reason to interfere. The special leave petition is dismissed. After regularization the respondent shall be paid the regular pay.

SLP(C) No.14922/2013:

Delay condoned.

Ms. Rachna Srivastava states that the respondent Mr. Mangat Ram has been working only for five days for a month. If that is so, it will be open to the petitioners to apply to the High Court for review of the order that it has passed. The special leave petition is allowed to be withdrawn with such liberty. In the event, the order passed by the High Court is in any way adverse to the petitioners, it will be open to them to take appropriate steps thereafter.

SLP(C) NO.14916/2013:

Delay condoned.

Heard Ms. Rachna Srivastava in support of this petition. The order of the High Court states that the respondents have to be paid wages which will be minimum of the pay scale applicable to the concerned category. We see no reason to interfere. The special leave petition stand dismissed.

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SLP(C) No.16120/2013:

Delay condoned.

Heard Ms. Rachna Srivastava in support of this petition. The High Court has directed the petitioners to pay minimum of the pay scale to the respondents on the basis of the judgment in State of U.P. & Ors. vs. Putti Lal(supra). In our view there is nothing wrong in the order. That payment will have to be cleared on that basis. Ms. Srivastava informs that the respondent has been recruited as Forest Guard by selection through Direct Recruitment in the year 1996. If that is so, there is no reason to interfere. The special leave petition is dismissed. The respondent shall be paid regular pay after regularization.

SLP(C) No.14917/2013:

Heard Ms. Srivastava for the petitioners and Dr. Meera Aggarwal appearing for respondent.

The order of the High Court states that the respondent Kalu Ram is to be paid wages at the rate of minimum of the pay scale. We see no reason to interfere. The special leave petition is dismissed.

SLP(C) No.14921/2013:

Delay condoned.

Heard Ms. Rachna Srivastava in support of this petition. The High Court has directed the petitioners to pay minimum of the pay scale to the respondent on the basis of the judgment in State of U.P. & Ors. vs. Putti Lal(supra). In our view there is nothing wrong in the order. That payment will have to be cleared on that basis. Ms. Srivastava informs that the respondent has been recruited as Forest Guard by selection through Direct Recruitment. Thereafter he shall be paid the regular pay. There is no reason to interfere. The special leave petition is dismissed.

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SLP(C) No.20648/2013:

Ms. Rachna Srivastava appearing on behalf of the petitioners states that the respondent Smt. Seema Devi was engaged from time to time as a Daily Wager and as per her wage payment record she worked for only 24 days in the year 2001, 15 days in 2002 and for 60 days in the year 2004. It will be open to her to apply to the High Court for review. In the event, the order passed by the High Court is in any way adverse to the petitioners, it will be open to them to take appropriate steps thereafter. Ms. Srivastava seeks to withdraw special leave petition with liberty. The special leave petition is dismissed as withdrawn with liberty as above.

SLP(C) No.20649/2013:

Heard Ms. Srivastava for the petitioners. The respondent is directed to be paid the minimum of the pay scales. We see no reason to interfere. The special leave petition is dismissed.

SLP(C) No.20652/2013:

Heard Ms. Srivastava appearing for the petitioners. She informs that respondent No.4 Shri Krishan Kumar Tiwari and Respondent No.7 Shri Satendra Singh Negi have been now selected as Forest Guard by selection through Direct Recruitment. They will now be paid regular pay scale thereafter. Until then they shall be paid minimum of the pay scales. The other respondents will have to be paid the minimum of the pay scales available to the other employees of the particular category. We see no reason to interfere. The special leave petition is dismissed.

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SLP(C) No.20653/2013:

Ms. Srivastava informs that respondent No.1 Shri Suresh Singh Chauhan has been selected as Forest Guard in the year 2013. He will have to be paid minimum of the pay scale until he was selected as a Forest Guard and thereafter the regular pay scale will be paid. Respondent No. 2 will have to be paid minimum of the pay scales. We see no reason to interfere. The special leave petition is dismissed.

SLP(C) No.20654/2013:

Ms. Srivastava informs that respondent No.2 Shri Ghanshyam Singh and Respondent No.5 Shri Mahipal have been selected as Forest Guard in the year 2013. They will be paid the regular pay scale thereafter. Until then they will be paid the minimum of the pay scales. The other respondents will continue to be paid minimum of the pay scale. We see no reason to interfere. The special leave petition is dismissed.

SLP(C) No.16088/2013:

Ms. Srivastava informs that respondent Mr. Mukesh Kumar has been selected as Forest Guard in the year 2013. He will be paid the regular pay scale thereafter. Until then he will be paid the minimum of the pay scale. We see no reason to interfere. The special leave petition is dismissed.

SLP(C) No.28828/2013:

The respondent will be paid the minimum of the pay scales. We see no reason to interfere. The special leave petition is dismissed.

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SLP(C) No.28830/2013:

The respondents will be paid the minimum of the pay scales. We see no reason to interfere. The special leave petition is dismissed.

SLP(C) No.28831/2013:

The respondent will be paid the minimum of the pay scales. We see no reason to interfere. The special leave petition is dismissed.

SLP(C) No.28833/2013:

The respondent will be paid the minimum of the pay scales. We see no reason to interfere. The special leave petition is dismissed.

SLP(C) No.28834/2013:

Ms. Srivastava informs that respondent No.1 Shri Chandan Singh, respondent No. 13 Shri Ravindra Kumar and respondent No.19 Bhim Singh Negi have been selected as Forest Guard. They will be paid the regular pay scale thereafter. Until then they will be paid the minimum of the pay scales. Other respondents will continue to be paid minimum of the pay scales. We see no reason to interfere. The special leave petition is dismissed.

SLP(C) No.28835/2013:

Both respondents in this special leave petition will get the minimum of the pay scale. We see no reason to interfere. The special leave petition is dismissed.

SLP(C) No.28836/2013:

Ms. Srivastava informs that respondent No.1 Shri Jagdish Prasad has been regularised on the permanent vacant

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post of Class IV and respondent No.4 Shri Monoj George has been regularised on Class III post. They will get the salary as a regular employees thereafter. Until then they will be paid the minimum of the pay scale. The other two respondents will get the minimum of the pay scale. We see no reason to interfere. The special leave petition is dismissed.

SLP(C) No.37016/2013:

Since both the respondents in this special leave petition have been regularised on the post of Driver Grade-IV, they will get the salary as a regular employees thereafter. Until then they will be paid the minimum of the pay scale. The special leave petition stands dismissed.

[Usha Bhardwaj]
A.R-cum-P.S.

[Sneh Lata Sharma]
Court Master