

ITEM NO.3

COURT NO.12

SECTION X

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

WRIT PETITION (CIVIL) NO. 1458/2020

UTTAR PRADESH GROUND WATER DEPARTMENT NON GAZETTED  
EMPLOYEE ASSOCIATION (REGD.) & ANR. Petitioner(s)

VERSUS

THE CHIEF SECRETARY & ORS. Respondent(s)

WITH

CONTEMPT PETITION (C) No. 2115/2018 in C.A. No. 2896/2018 (III-A)

Diary No(s). 1747/2020 (XI)  
(FOR ADMISSION and I.R. and IA No.26204/2020-CONDONATION OF DELAY  
IN FILING and IA No.26205/2020-EXEMPTION FROM FILING O.T.  
IA No. 26204/2020 - CONDONATION OF DELAY IN FILING)

SLP(C) No. 6206/2020 (XI)  
(IA No. 43902/2020 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 6091/2022 (XI)  
(IA No. 128020/2022 - APPLICATION FOR TAKING ON RECORD  
IA No. 49973/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT  
IA No. 88055/2022 - EXEMPTION FROM FILING O.T.  
IA No. 49972/2022 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 5859/2022 (XI)  
(IA No. 48579/2022 - EXEMPTION FROM FILING O.T.)

Diary No(s). 27329/2022 (XI)  
( IA No.17871/2023-CONDONATION OF DELAY IN FILING and IA  
No.17868/2023-EXEMPTION FROM FILING O.T. and IA No.17874/2023-  
CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Diary No(s). 32990/2022 (XI)  
(IA No.184398/2022-CONDONATION OF DELAY IN FILING and IA  
No.184399/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
and IA No.184396/2022-CONDONATION OF DELAY IN REFILING / CURING  
THE DEFECTS)

Diary No(s). 32992/2022 (XI)  
(IA No.184405/2022-CONDONATION OF DELAY IN FILING and IA  
No.184406/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
and IA No.184404/2022-CONDONATION OF DELAY IN REFILING / CURING  
THE DEFECTS)

SLP(C) No. 5393/2023 (XI)  
(I.R. IA No.42946/2023-EXEMPTION FROM FILING O.T.  
IA No. 42946/2023 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 474/2023 (X)  
(IA No. 79672/2023 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 79675/2023 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 14509-14510/2023 (XI)

SLP(C) No. 19199/2023 (XI)  
(IA No.165862/2023-CONDONATION OF DELAY IN FILING and IA  
No.165864/2023-EXEMPTION FROM FILING O.T.)

SLP(C) No. 20435-20438/2023 (XI)

SLP(C) No. 21165/2023 (XI)  
(IA No.193654/2023-EXEMPTION FROM FILING O.T.)

SLP(C) No. 21694/2023 (XI)

SLP(C) No. 23590/2023 (XI)

Diary No(s). 40367/2019 (XI)  
(IA No. 12289/2020 - CONDONATION OF DELAY IN FILING  
IA No. 12290/2020 - CONDONATION OF DELAY IN REFILEING / CURING THE  
DEFECTS IA No. 12293/2020 - EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT IA No. 12292/2020 - EXEMPTION FROM FILING O.T.)

Diary No(s). 40978/2019 (XI)  
(IA No. 30409/2020 - CONDONATION OF DELAY IN FILING  
IA No. 30410/2020 - CONDONATION OF DELAY IN REFILEING / CURING THE  
DEFECTS IA No. 30412/2020 - EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT IA No. 30414/2020 - EXEMPTION FROM FILING O.T.)

CONTEMPT PETITION (C) No. 306/2020 in C.A. No. 6804/2019 (III-A)  
(IA No. 103547/2022 - APPLICATION FOR PERMISSION  
IA No. 103548/2022 - EXEMPTION FROM FILING O.T.  
IA No. 12985/2020 - EXEMPTION FROM FILING O.T.)

CONTEMPT PETITION (C) No. 332/2020 in SLP(C) No. 19326/2017 (XI)  
(IA No. 12990/2020 - EXEMPTION FROM FILING O.T.)

CONTEMPT PETITION (C) No. 314-318/2020 in C.A. No. 6938-6942/2019  
(III-A)  
(IA No. 52530/2021 - EXEMPTION FROM FILING O.T.  
IA No. 52526/2021 - EXEMPTION FROM FILING O.T.  
IA No. 17742/2020 - EXEMPTION FROM FILING O.T.)

CONTEMPT PETITION(C) No. 309-313/2020 in C.A. No. 6799-6803/2019

**(III-A)**

**(IA No. 52538/2021 - EXEMPTION FROM FILING O.T.**

**IA No. 52534/2021 - EXEMPTION FROM FILING O.T.**

**IA No. 17758/2020 - EXEMPTION FROM FILING O.T.)**

**CONTEMPT PETITION (C) No. 319/2020 in C.A. No. 6805/2019 (III-A)**

**(IA No. 18881/2020 - EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 2290/2021 (XI)**

**(IA No. 17431/2021 - EXEMPTION FROM FILING O.T.)**

**W.P.(C) No. 74/2021 (X)**

**(IA No. 7531/2021 - EXEMPTION FROM FILING O.T.**

**IA No. 31291/2021 - INTERVENTION/IMPLEADMENT**

**IA No. 10673/2021 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES**

**IA No. 7530/2021 - STAY APPLICATION)**

**W.P.(C) No. 333/2021 (X)**

**(IA No.39119/2021-STAY APPLICATION and IA No.39118/2021-EXEMPTION  
FROM FILING O.T.**

**IA No. 88794/2021 - INTERVENTION/IMPLEADMENT**

**IA No. 39119/2021 - STAY APPLICATION)**

**W.P.(C) No. 332/2021 (X)**

**(IA No. 165768/2022 - CONDONATION OF DELAY IN FILING**

**IA No. 39054/2021 - EX-PARTE STAY**

**IA No. 39052/2021 - EXEMPTION FROM FILING O.T.)**

**CONTEMPT PETITION (C) No. 429-431/2021 in C.A. No. 7029-7031/2019  
(III-A)**

**(IA No. 145050/2021 - EXEMPTION FROM FILING AFFIDAVIT**

**IA No. 145052/2021 - EXEMPTION FROM FILING O.T.**

**IA No. 54613/2021 - EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 13043/2021 (XI)**

**(IA No. 104905/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT IA No. 104907/2021 - EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 14824/2021 (XI)**

**(IA No.119343/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.119341/2021-EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 5736/2022 (XI)**

**(IA No. 111544/2022 - EXEMPTION FROM FILING O.T.**

**IA No. 48026/2022 - EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 17982/2021 (XI)**

**(IA No. 142332/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT IA No. 142331/2021 - EXEMPTION FROM FILING O.T.)**

SLP(C) No. 4385/2022 (XI)  
(IA No.35922/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.35920/2022-EXEMPTION FROM FILING O.T.)  
SLP(C) No. 25062/2023 (XI)

Date : 07-12-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI  
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s)/  
Item 3 Mr. Saurav Agrawal, Adv.  
Mr. Ashish Tiwari, Adv.  
Ms. Kavya Pahwa, Adv.  
Mr. Shivam Chaudhary, Adv.  
Ms. Shilpa Liza George, AOR

Mrs. Rachna Gupta, AOR  
Mr. Anil Kumar Sinha, Adv.  
Mr. Abhishek Misra, Adv.  
Mrs. Deepika Mishra, Adv.  
Ms. Hema Malik, Adv.

Mr. Brahma Singh, Adv.  
Mr. Rohit Vidhudi, Adv.  
Mr. N.S. Vidhudi, Adv.  
Mr. Anantha Narayana M.G., AOR

Mr. Manoj K. Mishra, AOR  
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Mr. J.K. Mishra, Adv.  
Mr. D. N. Dubey, Adv.  
Mr. Umesh Dubey, Adv.  
Ms. Madhulika, Adv.  
Mr. Rahul Pandey, Adv.

Mr. Manohar Pratap, Adv.  
Mr. Salaj Kumar Rai, Adv.  
Ms. Bhavana Bisht, Adv.  
Ms. Manju Jetley, AOR

Mr. Kamlendra Mishra, AOR

3.7,3.8,3.12,3.15, Mrs. Aishwarya Bhatti, A.S.G.  
3.16,3.34, 3.3, Mrs. Garima Prasad, A.A.G.  
3.4,3.5,3.6,3.31, Ms. Sakshi Kakkar, AOR  
3.26,3.17,3.18, Ms. Shagun Thakur, Adv.  
3.23 Ms Poornima Sing, Adv.  
Ms. Divya Singh, Adv.  
Mr. R Karthik, Adv.

Ms. Garima Prasad, Sr. A.A.G.  
Mr. Tanmaya Agarwal, AOR  
Mr. Wrick Chatterjee, Adv.  
Mr. Divyanshu Sahay, Adv.  
Mrs. Aditi Agarwal, Adv.  
Mr. Abhinav S. Aggarwal, Adv.  
Mr. Vinayak Mohan, Adv.

Mr. T. Mahipal, AOR  
Mr. Daleep Dhyani, Adv.  
Mr. Suraj Singh, Adv.  
Mr. Manoj Kumar Sharma, Adv.  
Mr. Bhuwan Chandra, Adv.

Mr. Devvrat, Adv.  
Mr. Devesh Kumar Agnihotri, Adv.  
Ms. Charu Sangwan, AOR

Mr. Natwar Rai, Adv.  
Mr. Krishna Kumar, Adv.  
Ms. Nandani Gupta, Adv.  
Dr. (Mrs. ) Vipin Gupta, AOR

Mr. U.K Uniyal, Sr. Adv.  
Mr. D.K Garg, Adv.  
Mr. Abhishek Garg, Adv.  
Mr. Dhananjay Garg, AOR  
Mr. Ishaan Tiwari, Adv.  
Mr. R.P Bansal, Adv.  
Ms. Ishita Bist, Adv.  
Mr. Chanakya Gupta, Adv.

Mr. Mukesh Kumar Sharma, AOR  
Ms. Monika, Adv.  
Mr. Kartikey, Adv.

3.28

Mr. Sanjay Mani Tripathi, Adv.  
Mr. Kamal Kant Tripathi, Adv.  
Mr. Suraj Kumar Singh, Adv.  
Mr. Rameshwar Prasad Goyal, AOR

Mr. S.R. Singh, Sr. Adv.  
Ms. Garima Prasad, A.A.G.  
Mr. Ankur Prakash, AOR

Mr. Harish Pandey, AOR

- For Respondent(s) Mr. P.S.Patwalia, Sr. Adv.  
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Mr. Rana Mukherjee, Sr. Adv.  
Mr. V. K. Shukla, Sr. Adv.  
Mr. Rajeev Kumar Dubey, Adv.  
Mr. Ruchir Ranjan Rai, Adv.  
Ms. Shagun Thakur, Adv.  
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- Mr. Y. S. Lohit, Adv.  
Mr. Tanay Hari Har Lal, Adv.  
Ms. Mridula Ray Bharadwaj, AOR  
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Mr. Vedant Bharadwaj, Adv.
- Mr. S.R. Singh, Sr. Adv.  
Ms. Garima Prasad, A.A.G.  
Mr. Ankur Prakash, AOR
- 3.4 Mr. Ajit Sharma, AOR  
Mr. Akshat Sharma, Adv.  
Mr. A. Rengnath, Adv.  
Kanchan Kumar, Adv.  
Mr. Amrit Pradhan, Adv.
- Mr. Sudeep Kumar, AOR
- Mr. Rakesh Dwivedi, Sr. Adv.  
Ms. Parul Shukla, AOR  
Mr. Adarsh Singh, Adv.  
Ms. Shreya Bhojnagarwala, Adv.  
Ms. Shubhangi Pandey, Adv.
- 3.24 Mr. R.K. Singh, Adv.  
Ms. Neeraj Singh, Adv.  
Mr. Kumar Gaurav, Adv.  
Mr. Aman Rastogi, Adv.
- Mr. Dushyant Parashar, AOR  
Mr. Dinesh Pandey, Adv.  
Mr. Manu Parashar, Adv.  
Mrs. Neha Shanker, Adv.  
Mr. Anil Kumar Mishra, AOR
- 3.12 Mr. Dhawal Uniyal, AOR  
Mr. Naresh Kumar, Adv.

3.33

Mr. Anil Kaushik, Adv.  
Mr. Anurag Singh, Adv.  
Mr. Rajat Rana, Adv.  
Mr. Anil Kumar Mishra, AOR

Mr. Gopal Sankar Narayanan, Sr. Adv.  
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Mr. Lal Pratap Singh, Adv.  
Mr. Umesh Pratap Singh, Adv.  
Mr. Arjun Aggarwal, Adv.  
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Mr. Anand Mishra, AOR  
Mr. Amrendra Kumar Singh, Adv.

Mr. S.R.Singh, Sr. Adv.  
Mr. Sushant Kumar Yadav, Adv.  
Mr. Ajay Yadav, Adv.  
Mr. Prateek Yadav, Adv.  
Mr. Gaurav Lomes, Adv.  
Mr. Prithvi Yadav, Adv.  
Mr. Anurag Singh, Adv.  
Mr. Dhroov Kumar Singh, Adv.  
Ms. Swapnil Singh, Adv.  
Ms. Ananya Yadav, Adv.  
Mr. Ankur Yadav, AOR

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Mr. Arun Kumar Nagar, Adv.  
Mr. Sudhir Naagar, AOR

Mr. Girish Chand Tyagi, Adv.  
Mr. Kailash Prashad Pandey, AOR  
Mr. Anurag Tyagi, Adv.  
Mr. Hemant Singh, Adv.  
Mr. Vaibhav, Adv.

Mr. Ambar Qamaruddin, AOR  
Mr. Ajay Vikram Singh, AOR

Spl. Secy.  
Finance Department  
Govt. of U.P.

Mr. Neel Ratan Kumar

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

1. The petitioners in the present petitions are aggrieved by the inaction on the part of the respondent-State Government with regard to non-compliance of a common judgment dated 02<sup>nd</sup> September, 2019<sup>1</sup> passed by this Court in a batch of matters wherein, it was held that the services rendered in the work charged establishment shall be treated as qualifying service under the rules for grant of pension. However, the arrears of pension were directed to be confined for a period of three years reckoned backwards from the date of the order, to be paid within three months of the date of the judgment.

2. It is not in dispute that the respondent-State had filed a review petition<sup>2</sup> seeking review of the common judgment dated 02<sup>nd</sup> September, 2019, which was dismissed by this Court on 13<sup>th</sup> February, 2020. The curative petition<sup>3</sup> filed by the respondent-State of Uttar Pradesh subsequently, was withdrawn by it as

1 In Civil Appeal No.6798 of 2019 etc. titled "Prem Singh vs. State of Uttar Pradesh & Ors."

2 Review Petition (Civil) No.683/2020

3 Curative Petition (Civil) Diary No.23186/2020

recorded in the order dated 01<sup>st</sup> December, 2020. This being the position, there is no justification whatsoever for the respondent-State to have failed to comply with the judgment dated 02<sup>nd</sup> September, 2019.

3. Mr. P.S. Patwalia, learned Senior counsel appearing for the State of Uttar Pradesh submits on instructions that pursuant to the aforesaid judgment, the State of Uttar Pradesh had come out with an Ordinance on 21<sup>st</sup> October, 2020, which declined grant of pension to any employee working on work charged basis in the departments of the State Government. This Ordinance was made retrospective, to be complied with effect from the year 1961. Subsequently, the said Ordinance was replaced by an Act that came into operation on 05<sup>th</sup> March, 2021. Challenge laid to the said Ordinance is pending consideration before this Court in a batch of writ petitions filed by private parties.

4. However, learned Senior Advocate states on instructions from Mr. Neel Ratan Kumar, Special Secretary, Finance Department, Government of U.P. that the respondent - State Government is ready and willing to comply with the common judgment dated 02<sup>nd</sup> September, 2019 in respect of the contempt petitioners.

5. Compliances shall be made within four weeks.

6. Coming to the other petitions, parties agree that arguments may first be addressed in the batch of writ petitions, i.e. Writ Petitions (Civil) No.1458 of 2020,474 of 2023, 74 of 2021, 333 of 2021 and 332 of 2021 and Writ Petition (Civil) No.1458 of 2020 shall be treated as the lead matter.

7. Parties are directed to file written submissions not exceeding three pages each along with the relevant citations and copies of judgments they propose to rely on. We request Mr. Saurav Agrawal along with Mr. Ashish Tiwari, learned counsel for the petitioner in W.P. (C) No.1458/2020 and Mr. Ruchir Ranjan Rai along with Mr. Rajeev Kumar Dubey, learned counsel for the respondent in W.P. (C) No.1458/2020 to prepare a common compilation of the relevant documents that both sides propose to rely on and circulate the same well in advance.

8. List on 23<sup>rd</sup> January, 2024.

Diary No.27329/2022, W.P. (C) No.474/2023, SLP (C) Nos.20435-20438/2023, and 21165/2023 and 4385/2022  
(Items No.3.6,3.10, 3.13, 3.14, 3.33)

1. Delay condoned.
2. Delay in filing spare copies is condoned in W.P. (Civil) NO.474/2023 (Item No.3.10).
3. Issue notice.
4. Ms. Sakshi Kakkar, learned Advocate on Record accepts notice on behalf of

the State of Uttar Pradesh in SLP (Civil) Nos.20435-20438/2023 and 21165/2023, Writ Petition (Civil) No.474/2023.

5. Issue notice to the other respondents.
6. Counter affidavit, if any, be filed within four weeks. Rejoinder affidavit, if any, be filed within two weeks, thereafter.
7. List on 23<sup>rd</sup> January, 2024

Contempt Petition (Civil) No.319/2020 in CA No.6805/2019 (Item No.3.23)

IA Nos.255282, 255283/2023 and 255284 of 2023 – Applications for substitution, setting aside abatement and condonation of delay in setting aside abatement.

1. The applications for substitution, condonation of delay in filing the application for setting aside abatement and setting aside abatement in respect of the deceased petitioner are allowed.
2. Cause title be amended accordingly.
3. List on 23<sup>rd</sup> January, 2024.

Diary Nos.32990/2022, 32992/2022, SLP (C) Nos.19199/2023, 21694/2023, 23590/2023, Diary Nos.40367/2019, 40978/2019, SLP (C) Nos.2290/2021, 14824/2021, 25062/2023

(Items No.3.7, 3.8, 3.12, 3.15, 3.16, 3.17, 3.18, 3.24, 3.30, 3.34)

1. Learned counsel for the parties state in unison that these matters relate to teachers imparting secondary education in schools in the State of Uttar Pradesh and they may be detached from the present batch of petitions to be taken up separately.
2. In view of the submission made hereinabove, list these matters for

consideration on 13<sup>th</sup> February, 2024.

**(Geeta Ahuja)**  
**Assistant Registrar-cum-PS**

**(Nand Kishor)**  
**Court Master (NSH)**