XITEM NO.6 Court No.8 SECTION IVA

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)...../2011
CC 20053/2011

(From the judgement and order dated 12/08/2010 in WA No.353/2009
of The HIGH COURT OF M.P AT GWALIOR)

STATE OF M.P.& ORS. Petitioner(s)

VERSUS

MOHAMMAD SADIQ Respondent(s)

with I.A. No. 1 (c/delay in filing SLP, c/delay in refiling SLP)

Date: 14/12/2011 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE CYRIAC JOSEPH
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. S.K.Dubey, Sr. Adv.
Mr. M.P.Singh, Adv.
Mr. Yogesh Tiwari, Adv.
Mr. C.D. Singh,Adv.

For Respondent(s)

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

The respondent was a low paid employee in the service of the Government of Madhya Pradesh. He was first appointed in 1960 as a daily wager in the Public Works Department and continued as such till he was regularised on 1.1.1996. He retired from service on superannuation w.e.f. 31.12.2002. Thus he had served the Government for a total period of 42 years. He was denied pension on the ground that he did not have the minimum qualifying service of 10 years. However, the courts below held that the respondent possessed the qualifying service, taking into account the service prior to

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1.1.1996. The petitioners are aggrieved by the orders of the High Court. It is contended that the period of service prior to regularisation cannot be counted for calculating the period of qualifying service.

However, there is undue delay of 246 days in filing the special leave petition. We are not satisfied that the petitioners have explained the delay satisfactorily. Hence, having regard to the entire facts and circumstances of the case, the special leave petition is dismissed on the ground of delay.

The question of law is left open.

(Shashi Sareen)
Court Master

(Renuka Sadana)
Court Master