

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).22613/2009

(From the judgement and order dated 01/05/2009 in SA
No.1575/2008 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

KAHFULWARA Petitioner(s)

VERSUS

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

(With appln(s) for correction of typographical error. and
office report)

Date: 17/10/2011 This Petition was called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Sanjeev Kumar,Adv.
Mr. Jitender K. Pandey,Adv.
Mr. Venkateswara Rao Anumolu,Adv.

For Respondent(s) Mr. Mukul Singh,Adv.
Mr. Shrish Kumar Misra,Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

(KUSUM SYAL)
SR.P.A.

(VINOD KULVI)
COURT MASTER

(Signed Order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8857 OF 2011
(Arising out of SLP(C) No. 22613 OF 2009)

KAHFULWARA Appellant(s)

VERSUS

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

O R D E R

Leave granted.

We have heard learned counsel for the parties.

This appeal has been filed challenging an order dated 1.5.2009 whereby the Division Bench of the High Court was pleased to refuse the appellant's prayer for regularization, despite the fact that the appellant has put in 33 years of unblemished service.

When the matter came up before this Court on 12.08.2011, the following order was passed by this Court:

"We are of the opinion that the petitioner's case cannot be made out as identical with that of the several other persons who have been referred to in paras 17 and 18 of the writ petition filed before the High Court (at pages 50 to 57 of the paper book).

Mr. Shrish K. Mishra, the learned Counsel for the State of Uttar Pradesh seeks a very short adjournment to seek instructions to see if the State Government is willing to grant benefit to the petitioner as well as he has put in 33 years of service and more particularly since he is retired.

List after two weeks".

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When the matter is taken up today before this Court, learned counsel for the State failed to distinguish how the case of the appellant is different from others who have been regularised. Learned counsel for the State has admitted that the appellant has put in 33 years of service and he has now retired.

In that view of the matter, we see no reason to treat the case of the appellant differently. We direct the State - respondent to grant consequential benefits arising out of the regularization of service of the appellant. Such benefits be given within three months.

The appeal is allowed. No costs.

.....J
(ASOK KUMAR GANGULY)

.....J
(GYAN SUDHA MISRA)

New Delhi;

Dated: October 17, 2011