

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).5053/2008

(From the judgement and order dated 24/10/2007 in SA No. 734/1999  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

RAM SHANKAR YADAV Petitioner(s)

VERSUS

REGIONAL MANAGER,U.P.FOREST CORP.& ORS. Respondent(s)

(With prayer for interim relief and office report )

- WITH SLP(C) NO. 2063 of 2009  
(With office report)
- SLP(C) NO. 27147 of 2008  
(With prayer for interim relief and office report)
- SLP(C) NO. 27208 of 2008  
(With prayer for interim relief and office report)
- SLP(C) NO. 5054 of 2008  
(With office report)
- SLP(C) NO. 5055 of 2008  
(With office report)
- SLP(C) NO. 5056 of 2008  
(With office report)
- SLP(C) NO. 5057 of 2008  
(With office report)

Date: 08/04/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI  
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. Ratnakar Dash,Sr.Adv.  
Mr. Abhish Kumar,Adv.  
Mr. Pankaj Sharma,Adv.  
Ms. Archana Singh,Adv.  
Mr. D.N.Dubey,Adv.

For Respondent(s) Mr. V.K.Singh,Sr.Adv.  
Mr. Santosh Kumar,Adv.  
Mr. Devesh Singh,Adv.  
Mr. Mushtaq Ahmad,Adv.

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UPON hearing counsel the Court made the following  
ORDER

Delay condoned.

Leave granted.

The appeals are dismissed.

[SUMAN WADHWA]  
COURT MASTER

[VINOD KULVI]  
COURT MASTER

Signed order is placed on the file.  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4036 OF 2010  
(Arising out of SLP(C) No. 5053/2008)

RAM SHANKAR YADAV .. APPELLANT(S)

vs.

REGIONAL MANAGER, U.P.  
FOREST CORP. & ORS. .. RESPONDENT(S)

WITH

CIVIL APPEAL NOS. 4044, 4042, 4043, 4037, 4038, 4039 & 4040/2010  
(arising out of SLP(C) Nos. 2063/2009, 27147, 27208,  
5054, 5055, 5056 and 5057/2008)

O R D E R

Delay condoned.

Leave granted.

The primary arguments raised by Mr. Ratnakar

Dash, the learned senior counsel for the Appellant is that the appellants herein had undergone the test for appointment as Daily Labour Scalers prior to 1/4/1985 and they were thus not called upon to pass the test again for appointment as pay-bill Scalers as required by Section 34 of the U.P. Forest Corporation (Service Regulations) Act, 1974 as the posts which they were holding were required to be filled in the year 1983 as per the instructions applicable at that time.

It has

accordingly been pleaded that the subsequent amendment

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by way of a regulation calling for a test for appointment as Daily Labour Scaler was not applicable to those posts which were in existence prior to the date of the Notification dated 25/2/1987 made effective from 1/4/1985.

The argument advanced has no merit, as prior to 1/4/1985 there were no statutory Regulations or Rules in force which provided for a particular procedure for appointment as the statutory regulations were enforced

with effect from 1/4/1985 by the Notification issued on 25/2/1987. The broad principle therefore that the old vacancies have to be filled under the old Rules is not applicable in a case where there were no Rules at the initial stage and a set of statutory regulations have been enforced subsequently in which case the regulations would be applicable ignoring the instructions.

We have, however, been told by the learned counsel for the appellant that four persons - Rajendra Prasad Pandey, Jitender Nath Tripathi the Tilak Dhari Upadhyay and Dadan Pandey who had been appointed as Daily Labour Scaler in the year 1983, had been made regular in the year 1986 and as their order of regular

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appointment had been made in the interregnum and before 25/2/1987 it would be in the interest of justice if their regular appointments were protected. We put it to the learned counsel for the respondent as to whether pursuant to the order of the High Court in the case of Van Nigam Karamchari Kalyan Sangh case which has been referred to by the High Court in the present matter or even pursuant to the orders issued in the present set of writ petitions, the order of 1986 making the aforesaid four persons regular had been modified or changed in any manner. The learned counsel was unable to answer this question. We, therefore, feel that in the interest of justice it would be appropriate that position of these four persons should not be disturbed.

With this observation we dismiss these appeals.

.....J.  
(HARJIT SINGH BEDI)

.....J.  
(J.M. PANCHAL)

New Delhi,  
April 08, 2010.