

ITEM NO.5

Court 6 (Video Conferencing)

SECTION XI

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

SPECIAL LEAVE PETITION (CIVIL) Diary No.10138/2020

(Arising out of impugned final judgment and order dated 29-01-2018 in SA No. 363/2012 passed by the High Court of Judicature at Allahabad)

BIRPAL SINGH

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(With appln.(s) for IA No.66381/2020-CONDONATION OF DELAY IN FILING and IA No.66378/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.66375/2020-EXEMPTION FROM FILING O.T.)

Date : 16-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Saurabh Ajay Gupta, AOR
Mr. Nishant Bishnoi, Adv.
Ms. Srishti Prabhakar, Adv.

For Respondent(s)

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

- 1 Mr Saurabh Ajay Gupta, learned counsel appearing on behalf the petitioner states that though the father of the petitioner was originally in a work charged establishment from 27 January 1979 to 5 May 2007 (when he died while in service), the appointment was regularized on 21 May 2007. Mr Gupta submits that this aspect has not been noticed by the High Court. His

submission is that since regularization took place, the petitioner is not dis-entitled to the benefit of compassionate appointment under the Dying in Harness Rules 1974.

- 2 Issue notice on the application for condonation of delay, as well as on the Special Leave Petition, returnable in six weeks.
- 3 Liberty to serve the Standing Counsel for the State of UP, in addition.

(CHETAN KUMAR)
AR-cum-PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER