

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 312 of 2017

(Arising out of SLP(C)No.28801 of 2011)

STATE OF U.P.& ORS.

Petitioner(s)

VERSUS

CHANDRA PRAKASH PANDEY & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 316 of 2017

(Arising out of SLP(C)No. 28802/2011)

CIVIL APPEAL NO. 317 of 2017

(Arising out of SLP(C) No. 28803/2011)

CIVIL APPEAL NO. 318 of 2017

(Arising out of SLP(C) No. 28805/2011)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The matter arose before the High Court seeking enforcement of the decision of this Court in State of U.P. v. Chandra Prakash Pandey - (2001) 4 SCC 78 recognising certain rights in favour of *Kurk Amins* employed in the cooperative department of the State of Uttar Pradesh.

Learned Single Judge disposed of the writ petition as follows:

"In the result, the Writ Petition is allowed. The Respondents are directed to consider the entitlement of the petitioners for appropriate pay scales with all other benefits with effect from 01.01.1986 and 01.01.1996 pay scale of 354-550 and Sahyogi to Kurk Amin in the pay scale of 305-390

with effect from 30.06.1984 and 08.06.1999 respectively as is evident from Annexure-1 and 2 to the Writ Petition and to pass an appropriate order determining benefits in respect to appropriate pay scale, arrears of salary etc. to which the Petitioners are entitled and, thereafter pay the same to the Petitioners within a period of three months from the date of production of certified copy of this order before the competent authority. The order impugned in the Writ Petition shall not be construed to have any worth in considering the matter as directed above."

The Division Bench of the High Court while affirming the said judgment of the Single Judge gave further directions to the following effect:

"We further provide that the respondents shall be paid the entire arrears of salary by fixing their pay in pay-scales, as provided to Kurk Amins of the Revenue Department, giving benefit of revision of pay-scales, as might have been done during this period. They shall also be considered for grant of selection grade in accordance with law and rules, and shall, on attaining the age of superannuation, be paid post-retiral dues including pension by counting the period of service they have rendered as Kurk Amins prior to the enforcement of Rules, 2002. Those Kurk Amins, who have already retired, shall be given the difference of pay as arrears of salary and post-retiral dues including pension by re-fixing their pay-scales accordingly. This shall be done within a maximum period of three months from the date of production of a certified copy of this order.

The amount deposited in Court by the appellants towards arrears of pay of the respondents shall be allowed to be withdrawn by the respondents. The balance amount shall be paid to them as per the directives gives above."

While the view taken by learned Single Judge is for enforcement of the judgment of this court, mentioned above, the judgment of the Division Bench, to the extent it has gone beyond the relief granted by learned Single Judge in the appeal

filed by the State, is not sustainable and to that extent the said direction is set aside.

The appeals shall stand disposed of in terms of the judgment of learned Single Judge. No costs.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(UDAY UMESH LALIT)

New Delhi,
JANUARY 10, 2017.

ITEM NO.6

COURT NO.11

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 28801/2011

(Arising out of impugned final judgment and order dated 19/11/2010 in SA No. 187/2009 passed by the High Court Of Judicature at Allahabad, Lucknow Bench)

STATE OF U.P. & ORS.

Petitioner(s)

VERSUS

CHANDRA PRAKASH PANDEY & ORS.

Respondent(s)

(With appln(s) for Directions and impleadment and permission to file additional documents and interim relief and office report)
(For Final Disposal)

WITH SLP(C) No. 28802/2011

(With Office Report)

SLP(C) No. 28803/2011

(With appln.(s) for directions and appln.(s) for permission to file additional documents and appln.(s) for exemption from filing O.T. and Office Report)

SLP(C) No. 28805/2011

(With appln.(s) for exemption from filing O.T. and appln.(s) for permission to file additional documents and appln.(s) for exemption from filing O.T. and appln.(s) for substitution and Office Report)

Date: 10/01/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. R. Venkataramani, Sr. Adv.
Mr. Rajat Singh, Adv.
Mr. M. R. Shamshad, Adv.
Mr. Ankit Yadav, Adv.
Mr. Gaurav Dhingra, Adv.

For Respondent(s) Mr. Dinesh Kumar Garg, Adv.
Mr. Abhishek Garg, Adv.
Mr. Dhananjay Garg, Adv.
Mr. Deepak Mishra, Adv.
Mr. Ashok Kumar Bhardwaj, Adv.
Dr. Vivek Sharma, Adv.

Mrs Rani Chhabra,Adv.
Ms. Priyanka Soni,Adv.

Mr. Shakil Ahmed Syed,Adv.
Mr. Milan Laskar,Adv.
Mr. Parvel Dabas,Adv.
Mr. Uzmi Jamil Hussain,Adv.

Mr. Dushyant Parashar,Adv.
Mr. Manoj Saxena,Adv.
Mr. Ram Krishna,Adv.
Mr. Gudipati G. K.,Adv.
Dr. Kailash Chand,Adv.

Mr. Santosh Kumar Tripathi,Adv.

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

Leave granted.

In terms of the signed order, these appeals are disposed
of. No costs.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER

(Signed order is placed on the file)