

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. 9374 OF 2019

THE STATE OF UTTAR PRADESH & ANR. . . .PETITIONER(S)

VERSUS

ANUKUL PRAKASH . . .RESPONDENT(S)

O R D E R

1. We have heard Mr. Harish Pandey, learned counsel appearing on behalf of the petitioner(s)-State of Uttar Pradesh as well as Mr. Sukumar Pattjoshi, learned senior counsel appearing on behalf of the respondent.

2. The respondent-Anukul Prakash is present in the Court.

3. Mr. Sukumar Pattjoshi, learned senior counsel, on instructions from Mr. Swetank Shantanu, Advocate on record who in turn on instructions from respondent-Anukul Prakash who is present in the Court submitted that the respondent will not claim any benefit of promotional position of Joint Director. It is submitted that the respondent also will not claim any pecuniary benefits of arrears of salary in the post of Deputy Director from the date of his appointment in the ex-cadre post or from the date of the interim order dated 16.01.2004 passed in Writ Petition No. 65(SB) of 2004 till the date of retirement. The respondent retired on 31<sup>st</sup> October, 2014.

4. The learned senior counsel for the respondent submitted that the respondent would be satisfied if he has been given only

notional promotion and be paid the retiral benefits in the cadre of Deputy Director. Considering the peculiar facts and circumstances of the case and taking into consideration the long and multifarious litigation between the respondent and the department and also taking into account that the respondent retired way back in October, 2014, the special leave petition is disposed of with following directions and observations.

(i) The respondent be given all the retiral benefits of the post of Deputy Director. Needless to say that the difference of pecuniary benefits on the post of Deputy Director from the date of retirement of the respondent be paid to the respondent. The arrears of difference shall be paid to him within a period of four months from today.

(ii) The respondent shall not be entitled to any arrears of salary on the post of Deputy Director.

5. Since the above order is passed in the peculiar facts and circumstances of the case, the same shall not be cited as a precedent in any other case.

..... J.  
[R. BANUMATHI]

..... J.  
[A.S. BOPANNA]

NEW DELHI  
3RD DECEMBER, 2019

..... J.  
[HRISHIKESH ROY]

ITEM NO.11

COURT NO.5

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). 9374/2019  
(Arising out of impugned final judgment and order dated 22-01-2019  
in SB No. 1738/2019 passed by the High Court Of Judicature At  
Allahabad)

THE STATE OF UTTAR PRADESH &amp; ANR.

Petitioner(s)

VERSUS

ANUKUL PRAKASH

Respondent(s)

(FOR ADMISSION and I.R. and IA No.60505/2019-EXEMPTION FROM FILING  
C/C OF THE IMPUGNED JUDGMENT and IA No.60507/2019-EXEMPTION FROM  
FILING O.T. )

Date : 03-12-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE A.S. BOPANNA  
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Harish Pandey, AOR  
Mr. Pranav Kumar, Adv.

For Respondent(s) Mr. Sukumar Pattjoshi, Sr. Adv.  
Mr. Pratap Shanker, Adv.  
Ms. Shilpi Shrivastava, Adv.  
Mr. Swetank Shantanu, AOR

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

The special leave petition is disposed of in terms of the  
signed order.

Pending application(s), if any, shall also stand disposed  
of.

(MADHU BALA)  
COURT MASTER (SH)  
(Signed order is placed on the file)

(BEENA JOLLY)  
BRANCH OFFICER