

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 5964 OF 2019
(Arising out of SLP(C) No. 31956/2018)**

SHIV PRASAD SHARMA .. APPELLANT(S)

VERSUS

**THE STATE OF UTTARAKHAND .. RESPONDENT(S)
& ORS.**

WITH

**CIVIL APPEAL NO. 5963 OF 2019
(Arising out of SLP(C) No. 31955/2018)**

**CIVIL APPEAL NO. 5962 OF 2019
(Arising out of SLP(C) No. 31954/2018)**

**CIVIL APPEAL NO. 5961 OF 2019
(Arising out of SLP(C) No. 31953/2018)**

O R D E R

Leave granted.

Heard learned counsel for the parties.

We find that the judgment of the Division Bench of the High Court, dated 17.04.2018, is not sustainable in law in view of the judgment of this Court in the case of Grah Rakshak Home Guards Welfare Association vs. State of Himachal Pradesh & Ors., (2015) 6

SCC 247.

Accordingly, the impugned judgment is set aside and the order of the learned Single Judge is restored. The appellants shall be paid wages from the date of their entitlement, i.e., the judgment of the learned Single Judge, dated 25.04.2017.

The appeals are allowed accordingly.

.....J.
[S.A. BOBDE]

.....J.
[R. SUBHASH REDDY]

.....J.
[B.R. GAVAI]

NEW DELHI,
JULY 30, 2019.

ITEM NO.3, 3.1-3.5

COURT NO.2

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 for Special Leave to Appeal (C) No. 2264/2017
(Arising out of impugned final judgment and order dated
06-12-2016 in SAD No. 735/2016 passed by the High Court Of
Judicature At Allahabad)

STATE OF UTTAR PRADESH & ORS.

Petitioner(s)

VERSUS

HOME GUARD NO 0385 RAM NATH GUPTA & ORS.

Respondent(s)

(IA No. 1/2017 - EXEMPTION FROM FILING O.T.

IA No. 168908/2018 - INTERVENTION/IMPLEADMENT

IA No. 4169/2019 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES, IA No. 38470/2019 - PERMISSION TO
FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 5853/2017 (XI)

(IA No. 42525/2018 - APPLICATION UNDER ORDER XXI RULE 14 (2)

IA No. 1/2017 - CONDONATION OF DELAY IN FILING)

SLP(C) No. 31955/2018 (X)

SLP(C) No. 31956/2018 (X)

SLP(C) No. 31954/2018 (X)

SLP(C) No. 31953/2018 (X)

Date : 30-07-2019 These matters were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE R. SUBHASH REDDY

HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s)

Mr. Ranjit Kumar, Sr. Adv.

Ms. Aishwarya Bhati, Sr. Adv. (AAG)

Mr. Ankur Prakash, AOR

Ms. Rashmi Raj Sharma, Adv.

Ms. Saumya J. Singh, Adv.

Mr. Saqib Siddiqui, Adv.

Mr. Harish, Adv.

Mr. Abhishek Sharma, Adv.

Mr. Pradeep Misra, AOR

For Petitioner(s)/ Respondent(s) Mr. Jayant Bhushan, Sr. Adv.
Mr. Amit Anand Tiwari, Adv.
Mr. Vinod Sharma, AOR

For Respondent(s) Dr. Abhishek Atrey, AOR
Mr. Ashutosh Kumar Sharma, Adv.

Mr. B.P. Singh Dhakray, Adv.
Mr. Shakti Singh Dhakray, Adv.
Mr. Syed Mehdi Imam, AOR
Mr. Rohit Kumar, Adv.

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

SLP(C) Nos. 2264/2017, 5853/2017

Application for impleadment as respondents is allowed.

We see no reason to interfere with the impugned judgment passed by the High Court.

The special leave petitions are, accordingly, dismissed.

There is no order enabling the Home Guards to claim back wages prior to the High Court Judgment. The State may pass orders in eight weeks from today.

Pending applications stand disposed of.

SLP(C) Nos. 31956, 31955, 31954, 31953/2018

Leave granted.

The appeals are allowed in terms of the signed order.

Pending applications, if any stand disposed of.

[CHARANJEET KAUR]
A.R. -CUM-P.S.

[INDU KUMARI POKHRIYAL]
ASSTT. REGISTRAR

[Signed order is placed on the file]