

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.629 OF 2017

JITENDRA KUMAR SINGH & ANR. . . . APPELLANT(S)

VS.

HIGH COURT OF JUDICATURE AT ALLAHABAD & ORS. . . . RESPONDENT(S)

WITH

CIVIL APPEAL No. 630 OF 2017

O R D E R

Heard the learned counsel appearing for the parties.

These two appeals arise out of the termination of the employment of seven Class-IV employees working on the establishment of a District Court at Agra, Uttar Pradesh. They were employed on various dates between 14th July, 1998 and 27th June, 2001. They continued in the service and it was only on the basis of the administrative order dated 26th November, 2009 passed by the High Court of Judicature at Allahabad that they were discontinued. That was the reason for these employees for approaching the High Court in Writ Petition under Article 226 of the Constitution of India. The High Court dismissed the Writ Petition. Even the Special Appeal preferred by the present appellants was dismissed.

On 5th March, 2013, this Court while issuing notice, stayed the impugned orders, as a result of which the appellants continued in the employment. We may note here that in Civil Appeal No.630 of 2017, appellant No.5 has died in the meanwhile.

On 8th February, 2024, this Court passed the following order:

"Heard the learned counsel appearing for the parties.

Before we decide the appeals, it will be appropriate to direct the respondent-State of Uttar Pradesh to consider the cases of the appellants in terms of the Uttar Pradesh Regularisation of Adhoc Appointments (On posts outside the purview of the Public Service Commission) (Fourth Amendment) Rules, 2021. While considering the case of the appellants, the State Government will take into consideration the order dated 5th January, 2022 passed by this Court in the case of *Sunil Kumar Shukla & Ors. v. Rajeev Shukla & Ors.* (Civil Appeal Nos. 156 and 157 of 2022).

After considering the case of the appellants, appropriate orders shall be passed by the Government within a period of six weeks from today which shall be produced on the next date of hearing for perusal of the Court.

List on 25th April, 2024."

In terms of the said order, the Government of Uttar Pradesh passed an order dated 24th June, 2024 regularizing

the services of all appellants, except appellant No.5 in Civil Appeal No.630 of 2017. Based on the order of the State Government, the learned District Judge, Agra, Uttar Pradesh passed an order dated 8th July, 2024 directing the regularization of the appellants except appellant No.5 in Civil Appeal No.630 of 2017.

Clauses 4 to 6 of the order dated 8th July, 2024 read thus:

"04. The appointment of aforesaid regularized employees will be deemed substantively appointed under relevant service rule etc. and as per Government Order No.542/Seven-Nyay-2-2024-246G/2019 Nyay Anubhag-2 (Subordinate Courts), Lucknow dated 24.06.2024, the appointed employees will be entitled for seniority from the date of appointment order and all such cases, the aforesaid regularized employees will be kept below. The persons appointed earlier under relevant service rules or regular as per prescribed procedure and employees appointed on substantive basis will be given all service benefits.

05. After regularization all Class-IV employees will be covered by old pension scheme because their first ad hoc appointment is prior to 01st April, 2005 and as per notification No.1877/79V-1-2020-2Ka.-20-2020 dated 21.10.2020 of Government of U.P. read with circular No.18/VIIB-104 admin D dated 25.05.2005, the period of gap in service of the aforesaid employees will be included in total service for the purpose of pension.

06. That the regularization of aforesaid employees is being done after completion of more than 3 years' satisfactory service, hence in compliance of order dated 08.02.2016 passed by Hon'ble High Court in Service Single No.2710 of 2015; Smt.Santosh Kumar Vs. State of U.P., the regularized employee will not be on probation on the post on which they are regularized subject to the order to be passed in Civil Appeal No.629 of 2017 pending before Hon'ble Supreme Court."

The learned counsel appearing for the Administration of the High Court of Judicature at Allahabad has certain reservations about the order passed by the State Government and acted upon by the learned District Judge. As noted earlier, the action of discontinuing the services of the appellants was taken by the High Court more than eight years after the concerned appellants were employed. Now, that the State has exercised powers in terms of the Uttar Pradesh Regularisation of Adhoc Appointments (On posts outside the purview of the Public Service Commission) (Fourth Amendment) Rules, 2021, by regularizing their services, we fail to understand what objection the High Court administration can have, especially when all the concerned appellants have worked for more than 20 years on the establishment of the District Court.

In view of the order of the regularization passed by the State Government and acted upon by the learned District Judge, Agra, Uttar Pradesh, now there is no reason to pass any further order on these Civil Appeals. The Civil Appeals are accordingly disposed of.

We clarify that though the order of regularization indicates that the same is subject to outcome of these appeals, the order of regularization will continue to be valid and subsisting even after the disposal of these appeals.

.....J.
(ABHAY S.OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
February 13, 2025

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

Civil Appeal No(s). 629/2017

JITENDRA KUMAR SINGH & ANR.

Appellant(s)

VERSUS

HIGH COURT OF JUDICATURE AT ALLAHABAD & ORS.

Respondent(s)

(IA No. 9728/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 9729/2023 - EXEMPTION FROM FILING O.T.)

WITH C.A. No. 630/2017

(IA No. 9701/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 9703/2023 - EXEMPTION FROM FILING O.T.)

Date : 13-02-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) :

Mrs. Kamini Jaiswal, Adv.
Mr. Tarun Gupta, AOR
Mr. Hirday Viridi, Adv.
Mr. Sidhant Ranta, Adv.
Mr. Sameer Chaudhary, Adv.

For Respondent(s) :

Mrs. Garima Prashad A.A.G., Sr. Adv.
Mr. Adarsh Upadhyay, AOR
Ms. Pallavi Kumari, Adv.
Mr. Shashank Pachauri, Adv.

Mr. Sunny Choudhary, AOR

Mr. Pradeep Misra, AOR

UPON hearing the counsel the Court made the following
O R D E RThe Civil Appeals are disposed of in terms of the
signed order.

Pending applications also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)