

State Of Uttar Pradesh Thr. Principal ... vs Ram Murat on 31 January, 2020

Bench: Deepak Gupta, Aniruddha Bose

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 872 OF 2020
(@SLP (C) No(s). 528/2017)

STATE OF UTTAR PRADESH THR. PRINCIPAL SECRETARY & ORS. Appellant(s)

VERSUS

RAM MURAT & ORS.

Respondent(s)

O R D E R

Leave granted.

Two questions arise for decision in this case are:(1) whether during their period of employment as work charged employees, the appellants before the High Court are entitled to grant of time scale etc. like regular employees?; and (2) whether the appellants are entitled to count their services rendered as work charged employees for the purposes of pension?.

As far as the second issue is concerned, the same is covered in favour of the employees in view of the three Judge Bench judgment of this Court in C.A. No. 6798 of 2019 etc. dated 02.09.2019 titled Prem Singh vs. State of U.P. & Ors. [(2019) 10 SCC 516] As far as the first issue is concerned it is submitted on behalf of the employees that the view taken in the judgment of this Court in C.A. No. 890 of 2009 etc. dated 12.02.2009 titled Punjab State Electricity Board & Ors. vs. Jagjiwan Ram & Ors. [(2009) 3 SC 661] is no longer in law, in view of the decision in Prem Singh (supra). We are not in agreement with this submission. In fact we find that the three judgment Bench in Prem Singh (supra) case has virtually quoted with approval the observations in Jagjiwan Ram's case (supra). It is however, drawn a distinction between giving benefit of service for the purpose of counting of pension and actually giving benefits of pay scale, promotion, grant of higher pay scales, increments etc. payable to regular employees . This court in Jagjiwan Ram's case (supra) clearly hold that the work charged employees and even the ad hoc employees cannot claim parity in the matter of pay scale, promotion, grant of higher pay scales, increments etc. payable to regular employees, this

judgment continues to hold the field.

Therefore, we answer the question no.1 against the employees and answer the question no.2 in favour of the employees.

With the aforesaid observations, the appeal is disposed of.

.....J. (DEEPAK GUPTA)J. (ANIRUDDHA BOSE) NEW DELHI
JANUARY 31, 2020 ITEM NO.44 COURT NO.14 SECTION XI S U P R E M E C O U R T O F I N D I
A RECORD OF PROCEEDINGS Petition(s) for Special Leave to Appeal (C) No(s). 528/2017 (Arising
out of impugned final judgment and order dated 08-03-2016 in SA No. 1529/2011 passed by the
High Court of Judicature at Allahabad) STATE OF UTTAR PRADESH THR. PRINCIPAL
SECRETARY & ORS. Petitioner(s) VERSUS RAM MURAT & ORS. Respondent(s) IA No. 11182/2018
- EXEMPTION FROM FILING O.T.) Date : 31-01-2020 These matters were called on for hearing
today. CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA HON'BLE MR. JUSTICE ANIRUDDHA
BOSE For Petitioner(s) Mr. S.R. Singh, Sr. Adv.

Mr. Aviral Saxena, adv.

Mr. Ardhendumauli Kumar Prasad, AOR For Respondent(s) Mr. T. N. Singh, AOR
Mr. Vikas K. Singh, Adv.

Ms. Rajshree Singh, Adv.

Mr. B.P. Gupta, Adv.

Mr. Rajvir Singh, Adv.

Mr. Vishal Mahajan, Adv. Mr. Shiv Kumar, Adv.

Mr. Shekhar Kumar, Adv.

Mr. Bipin Bihari Singh, Adv. Mr. Shekhar Kumar, AOR Ms. Manika Tripathy Pandey,
AOR Mr. Ashutosh Kaushik, Adv. Mr. Brahm Kumar Pandey, Adv.

UPON hearing the counsel the Court made the following O R D E R Leave granted.

The appeal is disposed of in terms of the signed order. Pending applications, if any,
are disposed of.

(NEELAM GULATI) (PRADEEP KUMAR) COURT MASTER (SH) BRANCH
OFFICER (Signed Order is placed on the file)