# Legal Case Summary

Case Title: Indu Shekhar Singh & Ors vs State of U.P. & Ors

Citation: AIR 2006 SC 2432, (2006) 8 SCC 129

Date of Judgment: 28 April 2006

Bench: Justice S.B. Sinha, Justice P.P. Naolekar

Author of Judgment: Justice S.B. Sinha

## Parties Involved

Petitioners: Indu Shekhar Singh & Others

Respondents: State of Uttar Pradesh & Others

## Background / Facts of the Case

Respondents were originally employees of U.P. Jal Nigam and were deputed to Ghaziabad Development Authority. They were later absorbed in the Development Authority Centralised Services after resigning from Jal Nigam. Appellants were directly appointed in Development Authorities. The dispute concerned the seniority fixation of deputed and absorbed employees versus direct appointees.

## Legal Issues Raised

1. Whether deputed employees from Jal Nigam absorbed later can claim seniority from their date of deputation.

2. Whether absorption terms restricting seniority claims violate Articles 14 and 16 of the Constitution.

3. Whether conditions of absorption are legally binding.

## Judgment / Decision

The Supreme Court held that respondents could not claim seniority from their date of deputation as they were not absorbed under Section 5-A(2) of the Act. They accepted the conditions imposed during absorption, which clearly denied seniority benefits for past service. The Court emphasized that seniority is not a fundamental right and is governed by statutory rules. High Court judgment granting seniority was set aside.

## Final Order

• Appeals allowed.

• High Court judgment set aside.

• No costs imposed.

• Respondents may challenge notification dated 9/12/2002 separately if aggrieved.

## Case Timeline

• 1977-1984: Respondents appointed in U.P. Jal Nigam

• 1984-1989: Deputed to Ghaziabad Development Authority

• 1987-1994: Absorbed in Development Authority Centralised Services

• 2000: Writ petition filed

• 2003: High Court allowed petition

• 2006: Supreme Court allowed appeal, set aside High Court order

## Relevant Legal Principles & Precedents

• Article 14 and 16 of the Constitution – Equality and Non-Discrimination

• Rule 7 and Rule 28 of U.P. Development Authorities Centralised Services Rules, 1985

• Doctrine of Election – Acceptance of terms voluntarily bars later challenge

• Cases Cited: Sub-Inspector Rooplal, R.S. Makashi, Ram Janam Singh, Prafulla Kumar Das, etc.

## Key Takeaways

- Seniority is governed by statutory rules, not a fundamental right.

- Absorption conditions are binding if voluntarily accepted.

- Service in autonomous bodies does not count unless explicitly provided.

- Courts should not disturb accepted conditions of service retroactively.