

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.2156-2160 OF 2015
(Arising out of S.L.P.(C) Nos.18678-18682 of 2009)

SRI VEER SINGH & ORS. ETC. ETC. ...APPELLANT(S)

VERSUS

STATE OF U.P. & ORS. ETC. ETC. ...RESPONDENT(S)

WITH

CIVIL APPEAL NO.2161 OF 2015
(Arising out of S.L.P.(C) No.31808 of 2011)

CIVIL APPEAL NO.2162 OF 2015
(Arising out of S.L.P.(C) No.36404 of 2011)

CIVIL APPEAL NO.2163 OF 2015
(Arising out of S.L.P.(C) No.9726 of 2012)

CIVIL APPEAL NO.2164 OF 2015
(Arising out of S.L.P.(C) No.13012 of 2012)

CIVIL APPEAL NO.2165 OF 2015
(Arising out of S.L.P.(C) No.19349 of 2012)

CIVIL APPEAL NO.2166 OF 2015
(Arising out of S.L.P.(C) No.19351 of 2012)

CIVIL APPEAL NO.2167 OF 2015
(Arising out of S.L.P.(C) No.19352 of 2012)

CIVIL APPEAL NO.2168 OF 2015

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(Arising out of S.L.P.(C) No.25712 of 2012)

NEETU KHAJURIA

Date: 2015.02.26

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CIVIL APPEAL NO.2169 OF 2015
(Arising out of S.L.P.(C) No.25713 of 2012)

CIVIL APPEAL NO.2170 OF 2015
(Arising out of S.L.P.(C) No.32940 of 2012)

CIVIL APPEAL NO.2171 OF 2015
(Arising out of S.L.P.(C) No.4022 of 2015)

CIVIL APPEAL NO.2172-2175 OF 2015
(Arising out of S.L.P.(C) Nos.6062-6065 of 2009)

CIVIL APPEAL NO.2176-2179 OF 2015
(Arising out of S.L.P.(C) Nos.9366-9369 of 2009)

CIVIL APPEAL NO.2183-2184 OF 2015

(Arising out of S.L.P.(C) Nos.18694-18695 of 2009)

CIVIL APPEAL NO.2180-2182 OF 2015

(Arising out of S.L.P.(C) Nos.18894-18896 of 2009)

CIVIL APPEAL NO.2185-2188 OF 2015

(Arising out of S.L.P.(C) Nos.18897-18900 of 2009)

CIVIL APPEAL NO.2189 OF 2015

(Arising out of S.L.P.(C) No.18901 of 2009)

CIVIL APPEAL NO.2190-2194 OF 2015

(Arising out of S.L.P.(C) Nos.28021-28025 of 2009)

CIVIL APPEAL NO.2195 OF 2015

(Arising out of S.L.P.(C) No.28115 of 2009)

CIVIL APPEAL NO.2196-2199 OF 2015

(Arising out of S.L.P.(C) Nos.31484-31487 of 2009)

CIVIL APPEAL NO.2200-2201 OF 2015

(Arising out of S.L.P.(C) Nos.31491-31492 of 2009)

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CIVIL APPEAL NO.2202 OF 2015

(Arising out of S.L.P.(C) No.31493 of 2009)

CIVIL APPEAL NO.2203-2205 OF 2015

(Arising out of S.L.P.(C) Nos.31495-31497 of 2009)

CIVIL APPEAL NO.2206 OF 2015

(Arising out of S.L.P.(C) No.35886 of 2009)

CIVIL APPEAL NO.2207 OF 2015

(Arising out of S.L.P.(C) No.35890 of 2009)

CIVIL APPEAL NO.2208-2210 OF 2015

(Arising out of S.L.P.(C) Nos.35891-35893 of 2009)

CIVIL APPEAL NO.2211-2217 OF 2015

(Arising out of S.L.P.(C) Nos.1242-1248 of 2010)

CIVIL APPEAL NO.2218 OF 2015

(Arising out of S.L.P.(C) No.1250 of 2010)

CIVIL APPEAL NO.2219 OF 2015

(Arising out of S.L.P.(C) No.1602 of 2010)

CIVIL APPEAL NO.2220 OF 2015

(Arising out of S.L.P.(C) No.3952 of 2010)

CIVIL APPEAL NO.2221 OF 2015

(Arising out of S.L.P.(C) Nos.4027 of 2010)

CIVIL APPEAL NO.2222 OF 2015

(Arising out of S.L.P.(C) No.4029 of 2010)

CIVIL APPEAL NO.2223 OF 2015

(Arising out of S.L.P.(C) No.5249 of 2010)

CIVIL APPEAL NO.2224 OF 2015

(Arising out of S.L.P.(C) No.7000 of 2010)

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CIVIL APPEAL NO.2225 OF 2015

(Arising out of S.L.P.(C) No.7118 of 2010)

CIVIL APPEAL NO.2226 OF 2015
(Arising out of S.L.P.(C) No.13206 of 2010)

CIVIL APPEAL NO.2227 OF 2015
(Arising out of S.L.P.(C) No.14158 of 2010)

CIVIL APPEAL NO.2228 OF 2015
(Arising out of S.L.P.(C) No.14494 of 2010)

CIVIL APPEAL NO.2229 OF 2015
(Arising out of S.L.P.(C) No.19202 of 2010)

O R D E R

1. Permission to file special leave petition(s), if any, is granted.

2. Delay in filing and re-filing the special leave petition(s), if any, is condoned.

3. Delay in filing the application(s) for substitution, if any, is condoned.

4. Application(s) for substitution, if any, is/are allowed.

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5. Leave granted.

6. Since the facts involved in all the appeals are similar, for the sake of convenience, this Court would notice the facts only in Civil Appeal Nos..... of 2015 @ S.L.P. (C) Nos.18678-18682 of 2009.

C.A. Nos..... of 2015
(@ S.L.P.(C) Nos.18678-18682 of 2009)

7. The appellants-herein were working in various capacities as Work Agents in Uttar Pradesh Public Works Department (for short, "the UPPWD"). They had sought certain increments in their pay scales by seeking parity with some of the cadres in the Central Public Works Department, (for short,

"the CPWD"). To agitate their grievances the appellants-herein had approached the learned Single Judge by filing Writ Petition(s).

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8. The learned Single Judge has allowed the Writ Petition(s) preferred by the appellants and had granted the relief sought for by the appellants-herein.

9. The Respondent-State being aggrieved by the judgment and order passed by the learned Single Judge, had filed appeal(s) before the Division Bench of the High Court. It so happened that the learned Single Judge, who had earlier decided the writ petition(s) filed by the appellants was also one the member of the Division Bench along with Chief Justice of the High Court. The Division Bench had taken a contrary view and has allowed the appeal(s) filed by the State and set aside the order passed by the learned Single Judge.

10. In our opinion, the learned Single Judge having passed an order in favour of the appellants, when the respondent-State was in an appeal should have recused himself from hearing the matter against

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his own order and should not have participated in the proceedings. Even otherwise, having taken a particular view of the matter while sitting singly, the learned Single Judge could not have taken a contrary view while sitting in a Division Bench.

11. In view of the above, we are of the opinion that the order passed by the Division Bench requires fresh consideration. Accordingly, we pass the following order:-

12. The appeals are allowed. The judgment and order passed by the Division Bench of the High Court is set aside, and the matter is remanded back to the High Court for fresh consideration and disposal in accordance with law.

13. Since the appellants are asking for parity in the pay-scales, in our opinion, the matter requires an urgent hearing. We request the High Court to dispose of these appeals, as early as

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possible, at any rate within nine months from the date of a receipt of a copy of this order.

14. All contentions of the parties are kept open to be agitated before the High Court.

Ordered accordingly.

Rest of the matters

In view of the order passed by us today in Civil Appeals arising out of Special Leave Petition Nos.18678-18782 of 2009, these appeals are also disposed of in the same terms, observations and directions.

.....CJI.
(H.L. DATTU)

.....J.
(A.K. SIKRI)

.....J.
(ARUN MISHRA)

NEW DELHI;
FEBRUARY 19, 2015

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ITEM NO.6

COURT NO.1

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). 31808/2011

(Arising out of impugned final judgment and order dated
20/07/2011 in SA No. 376/2011 passed by the High Court of
Judicature at Allahabad, Lucknow Bench)

STATE OF U.P.& ORS.

VERSUS

Petitioner(s)

RISHI PAL & ORS.

Respondent(s)

WITH

SLP(C) No. 36404/2011
(With Interim Relief and Office Report)

SLP(C) No. 9726/2012
(With Office Report)

SLP(C) No. 13012/2012
(With Office Report)

SLP(C) No. 19349/2012
(With Office Report)

SLP(C) No. 19351/2012
(With Office Report)

SLP(C) No. 19352/2012
(With Office Report)

SLP(C) No. 25712/2012
(With Office Report)

SLP(C) No. 25713/2012
(With Office Report)

SLP(C) No. 32940/2012
(With appln.(s) for c/delay in filing SLP and Office Report)

SLP(C) No. 4022/2015
(With appln.(s) for c/delay in refiling SLP and appln.(s) for
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c/delay in filing SLP and Office Report)

SLP(C) No(s). 6062-6065/2009
(With appln.(s) for exemption from filing O.T., permission to
file rejoinder affidavit, permission to submit additional
document(s), vacating interim order, prayer for interim
relief and office report)

SLP(C) No. 9366-9369/2009
(With Interim Relief and Office Report)

SLP(C) No. 18678-18682/2009
(With Office Report)

SLP(C) No. 18694-18695/2009
(With Office Report)

SLP(C) No. 18894-18896/2009
(With Office Report)

SLP(C) No. 18897-18900/2009
(With Office Report)

SLP(C) No. 18901/2009

(With Office Report)

SLP(C) No. 28021-28025/2009
(With appln.(s) for c/delay in filing SLP and Office Report)

SLP(C) No. 28115/2009
(With Interim Relief and Office Report)

SLP(C) No. 31484-31487/2009
(With Office Report)

SLP(C) No. 31491-31492/2009
(With Office Report)

SLP(C) No. 31493/2009
(With Office Report)

SLP(C) No. 31495-31497/2009
(With Office Report)

SLP(C) No. 35886/2009
(With appln.(s) for c/delay in filing SLP and Office Report)

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SLP(C) No. 35890/2009
(With Office Report)

SLP(C) No. 35891-35893/2009
(With Office Report)

SLP(C) No. 1242-1248/2010
(With Office Report)

SLP(C) No. 1250/2010
(With Office Report)

SLP(C) No. 1602/2010
(With Office Report)

SLP(C) No. 3952/2010
(With Interim Relief and Office Report)

SLP(C) No. 4027/2010
(With Interim Relief and Office Report)

SLP(C) No. 4029/2010
(With Interim Relief and Office Report)

SLP(C) No. 5249/2010
(With Interim Relief and Office Report)

SLP(C) No. 7000/2010
(With Office Report)

SLP(C) No. 7118/2010
(With Interim Relief and Office Report)

SLP(C) No. 13206/2010
(With Office Report)

SLP(C) No. 14158/2010
(With Office Report)

SLP(C) No. 14494/2010
(With Office Report)

SLP(C) No. 19202/2010

Date : 19/02/2015 These petitions were called
on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s)

Mr. Anuvrat Sharma, Adv.

Mr. Arvind Varma, Sr. Adv.
Mr. C. D. Singh, Adv.
Ms. Sakshi Kakkar, Adv.
Mr. Rajesh Kumar Maurya, Adv.

Mr. S.R. Singh, Sr. Adv.
Mr. Ankur Prakash, Adv.
Mr. Avnish Singh, Adv.
Mr. Yash Pal Dhingra, Adv.

Mr. Pradeep Misra, Adv.
Mr. Daleep Kr. Dhyani, Adv.
Mr. T. Mahipal, Adv.
Mr. Suraj Singh, Adv.

Mr. Pradeep Misra, Adv.
Mr. Daleep Kr. Dhyani, Adv.
Mr. Suraj Singh, Adv.

Mr. A.K. Yadav, Adv.
Mr. Sujoy Mandal, Adv.
Mr. Rumi Chanda, Adv.
Mr. K. V. Mohan, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

Mr. Shekhar Kumar, Adv.

Mr. Abhishek Sarkar, Adv.
Mr. Partha Sil, Adv.

Mr. Rana Ranjit Singh, Adv.
Ms. Kamakshi S. Mehlwal, Adv.

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For Respondent(s)

Mr. Anuvrat Sharma, Adv.

Mr. Arvind Varma, Sr. Adv.
Mr. C. D. Singh, Adv.
Ms. Sakshi Kakkar, Adv.
Mr. Rajesh Kumar Maurya, Adv.

Mr. Chandra Prakash Pandey, Adv.

Mr. M. R. Shamsad, Adv.

Mr. Kedar Nath Tripathy, Adv.

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

Permission to file special leave petition(s), if any, is granted.

Delay in filing and re-filing the special leave petition(s), if any, is condoned.

Delay in filing the application(s) for substitution, if any, is condoned.

Application(s) for substitution, if any, is/are allowed.

Leave granted.

The appeals are disposed of in terms of in terms of the signed order.

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

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)