

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 75 OF 2018
[@ SPECIAL LEAVE PETITION (C) NOS. 230 OF 2009]

THE STATE OF UP & ORS.

Appellant(s)

VERSUS

ISRAR AHMAD & ORS.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Application for setting aside abatement is allowed. Delay in filing the application for substitution is condoned and the application for substitution is allowed.

2. Leave granted.

3. The State approached this Court, aggrieved by an order dated 19.12.2007 passed by the Division Bench of the High Court of Judicature at Allahabad, Lucknow Bench in Special Appeal No. 225 of 2001.

4. The Division Bench declined to interfere with the order dated 19.07.2000 passed by the learned Single Judge. The learned Single Judge issued a direction to pay the revised pay-scale to the respondents along with interest at the rate of 12%.

5. This Court had limited the notice on the issue of interest. Having regard to the contentious issues raised in the matter, we are of the view that there

was no justification for granting interest on the revised pay-scale. Now that the State is not keen on the challenge of parity and the consequential revised pay-scale, we are of the view that the order on interest should be vacated. Ordered accordingly.

6. The appeal is disposed of with a further direction that in case the emoluments in the revised pay-scale have not yet been granted, the same shall be paid within three months from today.

.....J.
[KURIAN JOSEPH]

.....J.
[AMITAVA ROY]

New Delhi;
January 08, 2018.

ITEM NO.10

COURT NO.5

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(s) for Special Leave to Appeal (C) No(s). 230/2009
(Arising out of impugned final judgment and order dated 19-12-2007
in SA No. 225/2001 passed by the High Court Of Judicature At
Allahabad)

THE STATE OF UP & ORS.

Petitioner(s)

VERSUS

ISRAR AHMAD & ORS.

Respondent(s)

(FOR SUBSTITUTION OF LRS ON IA 3/2014)
(FOR CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. ON IA
4/2014)
(FOR EXEMPTION FROM FILING O.T. ON IA 5/2014
FOR SETTING ASIDE AN ABATEMENT ON IA 6/2014)

Date : 08-01-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Pramod Swarup, Sr. Adv.
Mr. Upendra Mishra, Adv.
Mr. Vinay Garg, Adv.

For Respondent(s) Mr. Nagendra Singh, Adv.
Mr. Vishwa Pal Singh, AOR

Ms. Mridula Ray Bharadwaj, AOR

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
non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)