

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO(S). 6118 OF 2024
(ARISING FROM SLP (C) NO. 9614/2017)**

ANAND PRAKASH MANI TRIPATHI

APPELLANT(S)

VERSUS

STATE OF UTTAR PRADESH & ORS.

RESPONDENT(S)

WITH

**CIVIL APPEAL NO(S). 6120 OF 2024
SLP(C) No. 9634/2017**

**CIVIL APPEAL NO(S).6119 OF 2024
(ARISING FROM SLP(C) Nos. 10396/2017)**

**CIVIL APPEAL NO(S).6122-6123 OF 2024
(ARISING FROM SLP(C) No. 14220-14221/2017)**

**CIVIL APPEAL NO(S).6121 OF 2024
(ARISING FROM SLP(C) No. 14140/2017)**

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties and perused the material placed on record.
3. It is not in issue that the appellant(s) have continued to work initially as seasonal/daily wage employees and thereafter regularized and have continued to work till their superannuation except for one, Umesh Chandra, who died in harness in the year 2019. There is also no dispute with regard to

the salary being paid to them for the period they have worked. Most of them have worked for 30 to 40 years and even more, maybe on the strength of interim order(s) passed by the High Court or this Court.

4. The sole issue which survives for consideration is whether they are entitled to post-retiral benefits and terminal dues as may be admissible to each of the appellant(s) of their legal heirs.

5. Having considered the fact that the appellant(s) have worked for such a long period, it would be unreasonable and unfair to deny them post retiral benefits or terminal dues as may be admissible to the regular government employees.

6. This order we are passing in the peculiar facts and circumstances of the case considering the length of service rendered by the appellant(s).

7. The learned Single Judge had allowed their petitions, setting aside their termination order(s) directing for their regularization in service right from the year 1991. However, on appeal by the State of Uttar Pradesh, the Division

Bench of the High Court, by the impugned order(s), had allowed the appeal(s), set aside the judgment of the learned Single Judge. It was also directed by the Division Bench that there shall be no refund of salary, however, for retiral and pensionary benefits, the service period would not be counted. The operative portion of the impugned order of the Division Bench, as contained in paragraph 39, is reproduced hereunder :

"39. The special appeals are allowed. The judgments impugned in these three appeals are set aside. However, since the respondents have been continued on the basis of orders passed by this court earlier, no refund of salary can be claimed due to setting aside of their appointments and setting aside the order of the Hon'ble Single Judge. However, for retiral and pensionary benefits, the services already rendered on the basis of orders of this Court shall not count. Pension and other retiral benefits already availed of by any of the employees who retired in the meantime shall not be subject to recovery. Costs easy."

8. This Court right from 2017 had granted interim order(s) to the appellant(s), who have continued to work and have since retired, except one Umesh Chandra, who died in the year 2019, while still in service.

9. In the facts and circumstances of the

case, we set aside the impugned judgment(s) passed by the Division Bench of the High Court and restore that of the learned Single Judge. The appellant(s) would be entitled to all consequential benefits as directed by the learned Single Judge.

10. The respondent-State of Uttar Pradesh shall ensure that the benefits admissible to the appellant(s) or their legal heirs be paid within a period of two months from today.

11. The appeal(s) stand allowed as above.

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

....., J.
(VIKRAM NATH)

....., J.
(SATISH CHANDRA SHARMA)

NEW DELHI;
MAY 07, 2024.

ITEM NO.17

COURT NO.8

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). 9614/2017

(Arising out of impugned final judgment and order dated 07-02-2017 in SA No. 1444/2010 passed by the High Court Of Judicature At Allahabad)

ANAND PRAKASH MANI TRIPATHI

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

WITH

SLP(C) No. 9634/2017 (XI)

SLP(C) No. 10396/2017 (XI)

SLP(C) No. 14220-14221/2017 (XI)
(IA No. 1/2017 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 14140/2017 (XI)
(IA No. 1/2017 - EXEMPTION FROM FILING O.T.)

Date : 07-05-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) Mr. Dushyant Parashar, AOR
Mr. Dinesh Pandey, Adv.
Mr. Manu Parashar, Adv.

Mr. Bharat Sangal, Sr. Adv. (NP)
Mr. R.r.kumar, Adv.
Mr. Yogesh Gupta, Adv.
Mr. Swetank Shantanu, AOR

Ms. Kumud Lata Das, AOR
Ms. Shashi Kiran, Adv.
Mr. Gyan Prakash Srivastava, Adv.
Ms. Pooja Rathore, Adv.
Ms. Akansha Kohli, Adv.

For Respondent(s) Mr. Somiran Sharma, AOR

Mr. Tanmaya Agarwal, AOR

Mr. Wrick Chatterjee, Adv.
Mrs. Aditi Agarwal, Adv.
Mr. Vinayak Mohan, Adv.

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

Leave granted.

The appeal(s) stand allowed in terms of the
signed order.

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

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)
COURT MASTER

(Signed order is placed on the file.)