

(2025) 01 SC CK 0019

Supreme Court Of India

Case No: Special Leave Petition (Civil) No.4900 Of 2023

Namami Gange And Rural Water
Supply Department

APPELLANT

Vs

Om Prakash Singh & Ors

RESPONDENT

Date of Decision: Jan. 6, 2025

Hon'ble Judges: J.K. Maheshwari, J; Rajesh Bindal, J

Bench: Division Bench

Advocate: Ajay Vikram Singh, Priyanka Singh, Rakesh Bajpayee, Md Aamir Faiyaz, Shubham Singh Chauhan, Vishwa Pal Singh, Ashish Pandey, Mukesh Kumar, Prateek Rai, Srikant Singh, Abhijit Singh, Ashutosh Bhardwaj, Akash, Shaifali Singh, Pushkar Sharma, Vishwa Pal Singh, Shweta Yadav, Mukesh Kumar, Dr. Reji Kumar R., Ombir Sangwan, Shyam Divan, Sanjeev Kumar Singh, Ajay Kishor Pandey, Kumar Dushyant Singh, Devansh Shekhar, Ankur Kashyap, Subasri Jaganathan, Vishnu Shankar Jain, Ajay Singh, Rajeev Kumar Dubey, Ashiwan Mishra, Kamendra Mishra, AOR Ms. Vanshaja Shukla, Ankeeta Appanna, Siddhant Yadav

Final Decision: Dismissed

Judgement

Rajesh Bindal, J.

Special Leave Petition (Civil) No.4900 of 2023 :

1. The present Special Leave Petition has been filed impugning the order Dated 27.02.2020 passed by the High Court ~ High Court of Judicature at

Allahabad, Lucknow Bench™ in the Writ Petition Service Bench No.651 of 2014 filed by the Respondent Nos.1 to 45 against the Respondent

Nos.46 to 51. The High Court vide Common order dated 27.02.2020 decided the three Writ Petitions Service Single No.11991 of 2017, Service Bench

No.651 of 2014 and Service Single No.154 of 2020, however, the present Special Leave Petition has been filed only against the order passed by the

High Court in Service Bench No.651 of 2014.

2. The issue raised by the writ petitioners before the High Court was for the quashing of the certain orders passed by the authorities declining them

the benefit of pay revision and consequential retiral benefits from 01.01.2006 and awarding the same from 12.03.2010. The High Court while quashing

the order impugned directed the respondents in the writ petition to pay benefits of the Sixth Pay Commission w.e.f. 01.01.2006 as was provided to the

State Government employees.

3. The fact remains that the order passed by the Single Bench of the High Court dated 27.02.2020 in the petitions Service Single No.11991 of 2017,

where Uttar Pradesh Jal Nigam was a party, was subject matter of challenge before the Division Bench of the High Court in the Special Appeal

Special Appeal Defective No.276 of 2020, which was dismissed vide order dated 09.11.2020.

4. Still not satisfied with the order passed by the Division Bench of the High Court, Special Leave Petition S.L.P.(C) No.3311 of 2022 was filed

before this Court by State of Uttar Pradesh. The same was disposed by this Court on 20.05.2022. This Court while disposing of the aforesaid Special

Leave Petition had directed that the amount be deposited in the GPF Account of the employees concerned within a period of six months from the date

of order. On failure, the same shall carry interest @ 6% per annum. In case of the employees, who had retired on attaining the age of superannuation,

four monthsâ€™ time was granted to pay the arrears. On failure, interest was payable @ 6% per annum.

5. It would be out of place if it is not mentioned here that the Review Petition Review Petition (C) No.1045 of 2022 filed against the aforesaid order

was dismissed by this Court vide order dated 20.09.2022.

6. On account of non-compliance of the order dated 20.05.2022, some of the employees filed Contempt Application Contempt

Application (Civil) No.1998 of 2021 before the High Court in which notice was issued to the alleged contemnors.

The High Court vide interim order dated 20.12.2022 in the aforesaid Contempt Application directed the respondents therein to comply with the order

dated 20.05.2022 passed by this Court. The same was challenged before this Court by filing Special Leave Petition (Civil) Nos.3176-3177 of 2023.

Noticing the fact that after this Court passed order on 20.05.2022, subsequent Review Petitions Review Petition (c) Diary No.34631 of 2022 and

Review Petition (c) Diary No.34966 of 2022Â having been dismissed on 29.11.2022 and 17.01.2023 respectively, the Special Leave Petition was

dismissed by this Court on 10.02.2023. Four weeks further time was granted for compliance of the order. The relevant text of the order is extracted

below:

â€œConsidering the fact that the directions of which the non-compliance is alleged were issued as far as back in the month of May, 2022 and even, thereafter, the

review petitions have been dismissed in the month of November, 2022/January, 2023, it is not open for the U.P. Jal Nigam and/or the State Government to pray for

further six months time and come out with a scheme. Once, there are specific directions issued by this Court and the U.P. Jal Nigam/the State Government are directed

to make the payment within the stipulated time and subject to modification as per our earlier order, there is no question of any further scheme to be framed by the

U.P.Jal Nigam or the State Government. The applicants are bound to comply with our earlier order. The High Court has not committed any error. The Special Leave

Petitions stand dismissed.

However, we grant further four weeks time to the applicant(s) to comply with our earlier orders of which the non-compliance is alleged before the High Court and

even before this Court, failing which the matter shall be viewed very seriously and any non-payment shall be treated as willful disobedience of the directions issued

by this Court.â€

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7. The present petition was filed along with an application seeking leave to file the Special Leave Petition raising the ground that prior to 24.08.2021

when earlier orders were passed, the petitioner, namely, Namami Gange and Rural Water Supply Department was not in existence. The bifurcation of

the Uttar Pradesh Jal Nigam was effected vide the Uttar Pradesh Water Supply and Sewerage (Amendment) Act, 2021 Vide Notification No. 800/19

â€" F â€" 1-21-1-Ka-29-21 dated 24.08.2021 w.e.f. 09.09.2021 Notification No. 1770/9.3.21 â€" 05C/2021 dated 09.09.2021 in terms of which, Jal

Nigam was divided into two parts i.e. U.P. Jal Nigam (Urban) and U.P. Jal Nigam (Rural). The Petitioner, namely, Namami Gange and Rural Water

Supply Department is the Rural wing of U.P. Jal Nigam.

8. Permission to file the Special Leave Petition was granted and notice was issued on 03.03.2023. Vide order dated 21.07.2023 proceedings in the

Contempt Application (Civil) No.1998 of 2021 pending before the High Court were stayed by this Court.

9. Further, some of the employees filed Contempt Petition Contempt Petition (Civil) No.1212 of 2023 in SLP No(s).3176-3177 of 2023 before this

Court, which was tagged to be taken up with the present Special Leave Petition, vide order dated 01.03.2024.

10. In the aforesaid factual matrix where the issue stood settled by this Court not only once but in repeated petitions filed by the State and the Jal

Nigam, the same was sought to be raised after U.P. Jal Nigam was bifurcated into U.P. Jal Nigam (Urban) and U.P. Jal Nigam (Rural), which

cannot be permitted.

11. In the earlier litigation, both State as well as U.P. Jal Nigam were parties. The order passed by this Court in S.L.P.(C) No(s).3176-3177 of 2023

on 10.02.2023 is quite explicit and the same has already been extracted above.

12. Considering the aforesaid factual matrix, we do not find any merit in the present petition and the same is accordingly dismissed. However, three

months more time is granted from today for compliance of the order.

I.A. No. 205491 of 2023 in S.L.P.(C) No.4900 of 2023

13. In view of the dismissal of the Special Leave Petition, I.A. No.205491 of 2023 filed by the Respondent Nos.1, 2 -9, 11, 14-15, 17,18, 20, 22, 23, 26,

27, 30, 32-36, 39, 40â€"44, for revocation of order dated 03. 03.2023 passed by this Court and dismissal of Special Leave Petition stands disposed of.

Special Leave Petition No.4902 of 2023

14. In terms of the order passed by this Court in S.L.P.(C) No.4900 of 2023, this Special Leave Petition is also dismissed.

Contempt Petition (Civil) No.1212 of 2023

15. In view of the dismissal of S.L.P.(C) No.4900 of 2023, Contempt Petition (Civil) No.1212 of 2023 stands disposed of.