HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

Reserved

WRIT - A No. - 731 of 2024

Jai Ram Sharma

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Transport Lko. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s) : Sameer Kalia, Srideep Chatterjee
Counsel for Respondent(s) : C.S.C.

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connected with

(1) WRIT - A No. - 2646 of 2013

Shiv Shanker Singh

.....Petitioner(s)

Versus

State Of U.P.Thr.Prin.Secy.Deptt.Of Irrigation Lucknow And Ors

.....Respondent(s)

Counsel for Petitioner(s) : Rajeev Singh, Piyush Mishra, Vinay Prakash Tiwari
Counsel for Respondent(s) : C.S.C.

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(2) WRIT - A No. - 3455 of 2014

Ram Pher Singh

.....Petitioner(s)

Versus

State Of U.P. Through Secy. Deptt. Of Irrigation Lko. And Ors.

.....Respondent(s)

Counsel for Petitioner(s) : Ravi Shanker Somvanshi, Ram Bali Tiwari, Ravi Shanker Singh
Counsel for Respondent(s) : C.S.C.

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(3) WRIT - A No. - 5279 of 2014

Ravi Prakash

.....Petitioner(s)

Versus

State Of U.P.Through Prin. Secy. Lok Nirman Vibhag Lko. And Or

.....Respondent(s)

Counsel for Petitioner(s)	:	Brijesh Kumar Mishra, I.M. Pandey Ist, Rajendra Kumar Dubey
Counsel for Respondent(s)	:	C.S.C.

(4) WRIT - A No. - 21289 of 2016

Baliram Yadav

.....Petitioner(s)

Versus

State Of U.P. Thru Prin.Secy.Forest Deptt.Civil Sectt. And Ors

.....Respondent(s)

Counsel for Petitioner(s)	:	Anurag Srivastava
Counsel for Respondent(s)	:	C.S.C.

(5) WRIT - A No. - 2009 of 2018

Dileep Kumar Srivastava

.....Petitioner(s)

Versus

State Of U.P. Thru Prin.Secy.Deptt.Of Women Welfare And Ors.

.....Respondent(s)

Counsel for Petitioner(s)	:	Ram Raj Ojha, Rama Kant Dixit
Counsel for Respondent(s)	:	C.S.C.

(6) WRIT - A No. - 6124 of 2018

Mohd. Haseeb Khan

.....Petitioner(s)

Versus

State Of U.P. Thru Prin.Secy.Horticulture Civil Sectt. And Ors

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohd.Ateeq Khan
Counsel for Respondent(s)	:	C.S.C.

(7) WRIT - A No. - 28176 of 2018

Raghu Veer Singh And Ors.

.....Petitioner(s)

Versus

State Of U.P.Throu.Prin.Secy.Revenue Lucknow And Ors.

.....Respondent(s)

Counsel for Petitioner(s)	:	Satish Chandra Sitapuri, Khaleeq Ahmad Khan, Mohd. Muballi Gussalam
Counsel for Respondent(s)	:	C.S.C.

(8) WRIT - A No. - 23561 of 2020

Shakil Ahmad Ansari

.....Petitioner(s)

Versus

State Of U.P.Thru.Prin.Secy.Bal Vikas Sewa And Ors.

.....Respondent(s)

Counsel for Petitioner(s)	:	Manendra Nath Rai
Counsel for Respondent(s)	:	C.S.C.

(9) WRIT - A No. - 3855 of 2021

Prabhakar Rai

.....Petitioner(s)

Versus

State Of U.P.Thru.Prin.Secy.Women Welfare Deptt. And Ors.

.....Respondent(s)

Counsel for Petitioner(s)	:	Raghvendra Kumar Singh Ii, Ram Prasad Dwivedi
Counsel for Respondent(s)	:	C.S.C.

(10) WRIT - A No. - 3284 of 2022

Narendra Dev Pandey

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. (Revenue) Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ranjana Srivastava, Moni Yadav
Counsel for Respondent(s)	:	C.S.C.

(11) WRIT - A No. - 3348 of 2022

Ali Abbas

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Forest Deptt. Lko.
And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Raj Kumar Dwivedi, Nand Kishore
Counsel for Respondent(s) : C.S.C.

(12) WRIT - A No. - 2748 of 2023

Sukh Dev Prasad

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Revenue Deptt.,
Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s) : Panna Lal Gupta, Rakesh Pratap Singh, Rama Shanker
Counsel for Respondent(s) : C.S.C.

(13) WRIT - A No. - 3478 of 2023

Dr. Digvijai Yadav

.....Petitioner(s)

Versus

State Of U.P. Thru. Its Prin. Secy. Medical Health
And Family Welfare Deptt. Lko. And Another

.....Respondent(s)

Counsel for Petitioner(s) : Santosh Kr. Yadav Warsi, Rati Yadav
Counsel for Respondent(s) : C.S.C.

(14) WRIT - A No. - 6393 of 2023

Kripa Shankar Singh

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Forest Deptt.
Civil Sectt. Lko And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Ram Bali Tiwari, Vinay Kumar Mishra
Counsel for Respondent(s) : C.S.C.

(15) WRIT - A No. - 6731 of 2023

Ghanshyam Shukla

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy/Addl. Chief Secy. Revenue Deptt. Civil Sectt. Lko And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rama Kant Dixit
Counsel for Respondent(s)	:	C.S.C.

(16) WRIT - A No. - 9912 of 2023

Nand Ram And 25 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. (Yantrik) Irrigation Deptt. U.P. Lucknow And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shivam Sharma
Counsel for Respondent(s)	:	C.S.C.

(17) WRIT - A No. - 398 of 2024

Onkar Giri

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Irrigation Deptt. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ram Bali Tiwari
Counsel for Respondent(s)	:	C.S.C.

(18) WRIT - A No. - 796 of 2024

Kaushal Kishore

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Rural Engineering Development Govt. Lko. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ram Karan
Counsel for Respondent(s)	:	C.S.C.

(19) WRIT - A No. - 812 of 2024

Madan Mohan Shukla

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Horticulture Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ram Prasad Dwivedi, Sunita Srivastava
Counsel for Respondent(s)	:	C.S.C.

(20) WRIT - A No. - 980 of 2024

Ram Vishal Mishra And Another

.....Petitioner(s)

Versus

State Of U.P Thru. Addl. Chief Secy. Public Works Deptt. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ram Bali Tiwari, S.P. Singh Somvanshi, Vinay Kumar Mishra
Counsel for Respondent(s)	:	C.S.C.

(21) WRIT - A No. - 1312 of 2024

Satyendra Singh Parmar

.....Petitioner(s)

Versus

State Of U.P Thru. Prin. Secy. Rural Engineering Deptt. Civil Secrt. Lko. And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Birendra Kumar Yadav, Balram Yadav, Satendra Jaiswal
Counsel for Respondent(s)	:	C.S.C.

(22) WRIT - A No. - 1508 of 2024

Ram Lakhan Maurya

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Govt. U.P. P.W.D. Lko. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rohit Tripathi, Nida Navi, Shishir Srivastava, Syed Zulfiqar Husain Naqvi

Counsel for Respondent(s) : C.S.C.

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(23) WRIT - A No. - 1800 of 2024

Kunj Bihari And 5 Others

.....Petitioner(s)

Versus

State Of U.P Thru. Prin. Secy. Public Works Deptt. Civil Secrt. Lko. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s) : Varun Pratap Singh
Counsel for Respondent(s) : C.S.C.

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(24) WRIT - A No. - 1878 of 2024

Sitaram Pal

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. P.W.D., Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Savita Jain
Counsel for Respondent(s) : C.S.C.

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(25) WRIT - A No. - 2183 of 2024

Ram Nath

.....Petitioner(s)

Versus

State Of U.P. Thru. Its Prin. Secy. Public Works Deptt. Lko. And Others

.....Respondent(s)

Counsel for Petitioner(s) : Mahesh Chandra Shukla
Counsel for Respondent(s) : C.S.C.

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(26) WRIT - A No. - 2327 of 2024

Bharat

.....Petitioner(s)

Versus

State Of U.P. Thru. Its Prin. Secy. P.W.D. Lko. And Others

.....Respondent(s)

Counsel for Petitioner(s) : Mahesh Chandra Shukla
Counsel for Respondent(s) : C.S.C.

(27) WRIT - A No. - 2427 of 2024

Shashi Kumar Saxena And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Public Works Deptt. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mahesh Chandra Shukla
Counsel for Respondent(s)	:	C.S.C.

(28) WRIT - A No. - 2907 of 2024

Prem Das

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Revenue Deptt. Lko. And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Surendra Singh, Brijendra Kumar Verma
Counsel for Respondent(s)	:	C.S.C.

(29)WRIT - A No. - 3401 of 2024

Manoj Kumar Tripathi

.....Petitioner(s)

Versus

State Of U.P. Thru. The Prin. Secy. Deptt. Of Stamp And Registration Lko. And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rohit Tripathi, Nida Navi, Shishir Srivastava, Syed Zulfiqar Husain Naqvi
Counsel for Respondent(s)	:	C.S.C.

(30) WRIT - A No. - 3974 of 2024

Ravi Prakash Jaiswal

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Of P.W.D And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	M.P. Raju

Counsel for Respondent(s) : C.S.C.

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(31) WRIT - A No. - 4125 of 2024

Shiv Kumar Vishwakarma

.....Petitioner(s)

Versus

State Of U.P. Thru Prin.Secy. Deptt. Of Culture Lko And Ors.

.....Respondent(s)

Counsel for Petitioner(s) : Devendra Pratap, Shashank Shekhar Singh
Counsel for Respondent(s) : C.S.C.

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(32) WRIT - A No. - 4410 of 2024

Chandra Kumar Mishra And 6 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Public Works Deptt. Civil Sectt. Lko And 5 Others

.....Respondent(s)

Counsel for Petitioner(s) : Anamika Singh, Paritosh Shukla
Counsel for Respondent(s) : C.S.C.

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(33) WRIT - A No. - 4427 of 2024

Urbadatt Tiwari

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy./Prin. Secy. Youth Welfare Deptt. Lko. And Another

.....Respondent(s)

Counsel for Petitioner(s) : Piyush Mishra, Vinay Prakash Tiwari
Counsel for Respondent(s) : C.S.C.

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(34) WRIT - A No. - 4482 of 2024

Yogesh Sharma

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Irrigation Jal Evam Sansadhan Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Ramesh Kumar Srivastava

Counsel for Respondent(s) : C.S.C.

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(35) WRIT - A No. - 4490 of 2024

Mool Chand Pandey

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Forest. Lko And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Santosh Kumar Gupta
Counsel for Respondent(s) : C.S.C.

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(36) WRIT - A No. - 4615 of 2024

Ravindra Kumar Srivastava And Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Public Work Deptt. Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : S.P. Singh Somvanshi
Counsel for Respondent(s) : C.S.C.

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(37) WRIT - A No. - 4619 of 2024

Hari Ram

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Mahila Kalyan Deptt. Lko And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Ram Prasad Dwivedi, Rita Yadav
Counsel for Respondent(s) : C.S.C.

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(38) WRIT - A No. - 4624 of 2024

Keshav Ram And Others

.....Petitioner(s)

Versus

State Of U.P. Thru. The Prin. Secy. Public Work Deptt. Lko And 5 Othets

.....Respondent(s)

Counsel for Petitioner(s) : S.P. Singh Somvanshi
Counsel for Respondent(s) : C.S.C.

(39) WRIT - A No. - 4638 of 2024

Vijay Kumar Yadav And 10 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Public Works Deptt. Lucknow And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anamika Singh, Paritosh Shukla
Counsel for Respondent(s)	:	C.S.C.

(40) WRIT - A No. - 4646 of 2024

Sharad Chandra Dixit And 5 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Irrigation Dptt. Lko And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	S.P. Singh Somvanshi
Counsel for Respondent(s)	:	C.S.C.

(41) WRIT - A No. - 4692 of 2024

Bal Mukund

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy., Public Works Deptt., Lucknow And Other

.....Respondent(s)

Counsel for Petitioner(s)	:	Brijesh Kumar Mishra
Counsel for Respondent(s)	:	C.S.C.

(42) WRIT - A No. - 5180 of 2024

Om Prakash Pandey

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Sankrit Vibhag Lko. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pramod Kumar Pandey
Counsel for Respondent(s)	:	C.S.C.

(43) WRIT - A No. - 5646 of 2024

Kaushal Kumar Srivastava

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Horticulture And Food Proceeding Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Satya Prakash Mishra, Satya Prakash Tiwari
Counsel for Respondent(s)	:	C.S.C.

(44) WRIT - A No. - 5842 of 2024

Kashi Nath Chaubey

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. P.W.D. Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anurag.S.Kaalesh
Counsel for Respondent(s)	:	C.S.C.

(45) WRIT - A No. - 6129 of 2024

Rama Kant And 2 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Revenue Lko And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Saryu Prasad Tiwari
Counsel for Respondent(s)	:	C.S.C.

(46) WRIT - A No. - 6139 of 2024

Ashok Kumar Singh And 19 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Public Works Deptt. U.P. Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Akhilesh Pratap Singh
Counsel for Respondent(s)	:	C.S.C.

(47) WRIT - A No. - 6210 of 2024

Shobh Nath Tiwari And 7 Others

.....Petitioner(s)

Versus

State Of U.P Thru. Secy. Public Works Deptt. Civils Ecrt. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Paritosh Shukla, Anamika Singh, Garima Rai
Counsel for Respondent(s)	:	C.S.C.

(48) WRIT - A No. - 6282 of 2024

Suryakesh

.....Petitioner(s)

Versus

State Of U.P. Thru. Its Secy. Rural Development Lko. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sanjay Kumar Verma, Prabhat Gupta
Counsel for Respondent(s)	:	C.S.C.

(49) WRIT - A No. - 6340 of 2024

Ram Kumar

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Prin. Lok Nirman Vibhag Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anurag Tripathi, Anand Mani Tripathi, Vimal Kumar Awasthi
Counsel for Respondent(s)	:	C.S.C.

(50) WRIT - A No. - 6373 of 2024

Guru Prasad

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Revenue Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Abhinandan Kumar Pandey, Vimlesh Tiwari

Counsel for Respondent(s) : C.S.C.

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(51)WRIT - A No. - 6970 of 2024

Rafi Ahmad

.....Petitioner(s)

Versus

State Of U.P. Thru. Its Addl. Chief Secy. Forest Deptt. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Ram Bali Tiwari, Vinay Kumar Mishra
Counsel for Respondent(s) : C.S.C.

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(52) WRIT - A No. - 7229 of 2024

Ram Sharan

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. P.W.D. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Ram Bali Tiwari, Shri Narayan Pandey
Counsel for Respondent(s) : C.S.C.

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(53) WRIT - A No. - 7244 of 2024

Parshuram And 7 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. P.W.D. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Anamika Singh, Paritosh Shukla
Counsel for Respondent(s) : C.S.C.

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(54) WRIT - A No. - 7313 of 2024

Ghan Shyam

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. P.W.D. Deptt. Lko. And Another

.....Respondent(s)

Counsel for Petitioner(s) : Salik Ram Yadav
Counsel for Respondent(s) : C.S.C.

(55) WRIT - A No. - 7316 of 2024

Paras Nath

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Stamp And Registration Lko And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shamshad Ahmad Khan
Counsel for Respondent(s)	:	C.S.C.

(56) WRIT - A No. - 7544 of 2024

Seema Srivastava And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy., Dept. Of Culture And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Devendra Pratap, Saad Husain, Shashank Shekhar Singh
Counsel for Respondent(s)	:	C.S.C.

(57) WRIT - A No. - 11049 of 2024

Rajendra Prasad Sharma And 11 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Irrigation Deptt. U.P. Lko. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anshuman Singh Rathore
Counsel for Respondent(s)	:	C.S.C.

(58) WRIT - A No. - 12263 of 2024

Ram Ayugya Tiwari

.....Petitioner(s)

Versus

State Of U.P. Thru. The Addl. Chief Secy./Prin. Secy. Of Public Works Deptt. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Avnish Kumar Singh
Counsel for Respondent(s)	:	C.S.C.

(59) WRIT - A No. - 158 of 2025

Ram Sumer

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. P.W.D Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pankaj Kumar Singh
Counsel for Respondent(s)	:	C.S.C.

(60) WRIT - A No. - 978 of 2025

Dr. Surya Prakash Ahuja

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Medical Health Services (Ayush) Deptt. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kunj Bihari Pandey, Abhishek Kumar Pandey, Vinay Kumar Verma
Counsel for Respondent(s)	:	C.S.C.

(61) WRIT - A No. - 2179 of 2025

Suresh Singh Yadav

.....Petitioner(s)

Versus

State Of U.P. Thru. Its Prin. Secy. Public Works Deptt. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mahesh Chandra Shukla
Counsel for Respondent(s)	:	C.S.C.

(62) WRIT - A No. - 2254 of 2025

Surendra Yadav And 2 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. P.W.D. Lko And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ram Ji Trivedi, Shraddha Tripathi
Counsel for Respondent(s)	:	C.S.C.

(63) WRIT - A No. - 3052 of 2025

Smt. Susheela

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Irrigation Deptt. Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Neerav Chitravanshi
Counsel for Respondent(s)	:	C.S.C.

(64) WRIT - A No. - 4271 of 2025

Rana Ravindra Singh And 4 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy./ Prin. Secy. Rural Engineering Deptt. Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Jitendra Kumar Pandey, Ankit Pandey
Counsel for Respondent(s)	:	C.S.C.

(65) WRIT - A No. - 4362 of 2025

Ram Vilas Sharma

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Medical Health Civil Sectt. Lko And 7 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Amit Pandey, Amit Dwivedi
Counsel for Respondent(s)	:	C.S.C.

(66) WRIT - A No. - 4934 of 2025

Triveni Prasad

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Lok Nirman Vibhag Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Raj Karan Singh
Counsel for Respondent(s)	:	C.S.C.

(67) WRIT - A No. - 5319 of 2025

Mahboob Alam

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Gram Vikas Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	M.P. Raju
Counsel for Respondent(s)	:	C.S.C.

(68) WRIT - A No. - 6605 of 2025

Om Prakash

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy., Ayurvedic And Unani, Lko.. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ramesh Kumar Srivastava
Counsel for Respondent(s)	:	C.S.C.

(69) WRIT - A No. - 9013 of 2025

Nand Kishor Jaiswal

.....Petitioner(s)

Versus

State Of U.P. Thru. The Secy. Madhyamik Shiksha Lko. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Arvind Kumar Jauhari, Akash Chandra Jauhari, Anand Narayan Singh
Counsel for Respondent(s)	:	C.S.C.

(70) WRIT - A No. - 9571 of 2025

Shiv Narayan

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Lekha Prichha U.P. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Nand Kishore
Counsel for Respondent(s)	:	C.S.C.

(71) WRIT - A No. - 9786 of 2025

Nripendra Kumar Dwivedi

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Irrigation Deptt. Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	P.K. Mishra, Rakesh Pratap Singh
Counsel for Respondent(s)	:	C.S.C.

(72) WRIT - A No. - 10565 of 2025

Jeet Lal And 21 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. P.W.D. Lko. And 7 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	S.P. Singh Somvanshi
Counsel for Respondent(s)	:	C.S.C.

(73) WRIT - A No. - 10787 of 2025

Siya Ram And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Public Works Deptt. U.P. Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ritika Singh, Tushar Mittal
Counsel for Respondent(s)	:	C.S.C.

(74) WRIT - A No. - 10789 of 2025

Rajendra Kumar (Peon) And 22 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy., P.W.D. Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	S.P. Singh Somvanshi
Counsel for Respondent(s)	:	C.S.C.

(75) WRIT - A No. - 10851 of 2025

Ashok Kumar Alias Ashok Kumar Verma

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. P.W.D. Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Saryu Prasad Tiwari, Prince Kumar Pandey
Counsel for Respondent(s)	:	C.S.C.

(76) WRIT - A No. - 10870 of 2025

Vaseem

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Lok Nirman Vibhag Govt. Of U.P. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Raj Karan Singh
Counsel for Respondent(s)	:	C.S.C.

(77) WRIT - A No. - 10941 of 2025

Rakesh Kumar And 19 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. P.W.D. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	S.P. Singh Somvanshi
Counsel for Respondent(s)	:	C.S.C.

(78) WRIT - A No. - 10948 of 2025

Jawahar Lal Maurya And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Public Work Deptt. Lucknow And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	S.P. Singh Somvanshi
Counsel for Respondent(s)	:	C.S.C.

Court No. - 7

HON'BLE MANISH MATHUR, J.

1. Heard Mr. Sameer Kalia, Mr. Srideep Chatterjee, Mr. I.M. Pandey -1st, Mr. Anurag Srivastava, Mr. Mohd. Ateeq Khan, Mr. Mahendra Nath Rai, Mr. S.P. Singh Somvanshi, Mr. M.P. Raju, Mr. Mahesh Chandra Shukla & Mr. Anand Mani Tripathi, learned counsel for petitioners and Mr. Shailender Kumar Singh, learned Chief Standing Counsel assisted by Mr. Vivek Shukla & Mr. Sandeep Sharma, learned counsel for opposite parties.

2. This bunch of petitions has been filed challenging various orders whereby pensionary benefits have been denied to petitioners on the ground that their initial entry into service was either on daily wage or on work-charge basis, and they are therefore not entitled for such pensionary benefits either on account of the fact that they have not completed the requisite qualifying service for pensionary benefits or have been regularized in service subsequent to the cut-off date of 1st April, 2005 and are therefore covered under New Pension Scheme.

3. Petitioners were initially engaged either on daily wage or on work-charge basis from the year 1974 onwards and a majority of them were regularized in service after having spent more than 2-3 decades on such basis prior to their regularization. In a few cases, petitioners were not regularized and attained the age of superannuation.

4. Learned counsel for petitioners have primarily placed reliance on judgment rendered by Supreme Court in the case of ***Prem Singh v. State of U.P. and others [(2019) 10 SCC 516]*** to submit that the Supreme Court has read down provisions of Rule 3(8) of U.P. Retirement Benefit Rules, 1961 and has struck down provisions contained in Regulation 370 of Civil Service Regulations as also instructions contained in paragraph - 669 of Financial Handbook, Volume - VI as *ultra vires*.

5. It is also submitted that aforesaid judgment has clearly brought within purview of pensionary benefits, services rendered by such temporary employees who were engaged on work-charge or daily wage basis, even in cases where after rendering 20-30 years of service, they were permitted to superannuate without regularization.

6. It is also submitted that subsequent to judgment rendered by Supreme

Court in the case of ***Prem Singh (supra)***, the State Government has notified U.P. Qualifying Service for Pension and Validation Act, 2021 [here-in-after referred to as '***Act of 2021***'] as well as U.P. Entitlement to Pension and Validation Ordinance, 2025 [here-in-after referred to as '***Ordinance of 2025*** '] merely to over-reach the judgment of Supreme Court in the case of ***Prem Singh (supra)***. It it submitted that since the aforesaid Act of 2021 and Ordinance of 2025 do not conform to the aspects of a validation, same are liable to be ignored in view of law enunciated by Supreme Court in the case of ***Prem Singh (supra)***.

7. Learned counsel for petitioners have also adverted to various Division Bench as well as Single Judge judgments to buttress their submissions.

8. Learned State Counsel has refuted submissions advanced by learned counsel for petitioners with the submission that petitioners are disentitled for claiming pension or any other retiral benefits in view of the fact that their services were neither substantive nor came within scope of qualifying service for purposes of pensionary benefits. It has been further submitted that the Act of 2021 promulgated subsequent to judgment rendered by Supreme Court in the case of ***Prem Singh (supra)***, would now hold the field particularly in view of Section 2 thereof, whereby 'qualifying service' has been defined as 'service' rendered by an officer appointed on temporary or permanent post in accordance with provisions of Service Rules.

9. It is therefore submitted that since services rendered by petitioners were not in accordance with provisions of Service Rules nor was there any appointment as such, they would be disentitled to claim pensionary benefits. In similar vein, he has also placed reliance on the Ordinance of 2025, particularly Section 2(d) to submit that the term 'substantive appointee' has been defined to mean any person who has been appointed in accordance with procedure prescribed in the applicable rules or regulations on any temporary or permanent post newly created by the establishment of the Government.

10. It is also submitted that vide Notification dated 28.03.2005, New Contributory Pension Scheme has been notified in place of earlier Pension Scheme amending the Rules of 1961 by U.P. Retirement Amendment Benefit Rules, 2005 whereby Sub-Rule (3) Rule 2 of U.P. Retirement Benefit Rules, 1961 was inserted to the effect that Rules of 1961 would not

be applicable to employees entering into service on or after 1st April, 2005 in connection with affairs of the State born in a pensionable establishment whether temporary or permanent.

11. He has specifically placed reliance on judgment rendered by Division Bench of this Court in the case of ***Ashok Tewari vs. State of U.P. and others, Writ-A No. 23244 of 2016, Brahmanand Singh v. State of U.P. and others [2017 (11) ADJ 49 (LB) Allahabad]*** and ***Namo Narayan Rai & Ors. vs State of U.P., Writ Petition No. 13626 (SS) of 2017*** to buttress his submissions.

12. It is therefore submitted that since petitioners do not come within definition of a 'substantive appointee' in terms of Section 2(d) of Ordinance of 2025, petitions are liable to be dismissed.

13. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, questions requiring consideration are:-

> (a) Whether petitioners are entitled for pension and pensionary benefits in view of U.P. Qualifying Service for Pension and Validation Act, 2021 and The Uttar Pradesh Entitlement to Pension and Validation Ordinance, 2025 or would be governed by judgment rendered in the case of ***Prem Singh v. State of U.P. and others [(2019) 10 SCC 516]***?
>
> (b) Whether petitioners' cases would be covered by New Pension Scheme, the cut off date for appointment being prior or subsequent to 1st April, 2005?
>
> (c) Whether employees who superannuated without regularization would be covered for pension and such benefits in terms of judgment rendered in case of ***Prem Singh v. State of U.P. and others [(2019) 10 SCC 516]***?

Answer to question (a)

14. It is admitted between learned counsel for parties that prior to promulgation and notification of Act of 2021 and Ordinance of 2025, dispute

in question was given a quietus by Supreme Court in the case of ***Prem Singh (supra)*** whereunder the entitlement of work-charge employees and similarly situated persons was held to be within the aspect of qualifying service for purposes of pensionary benefits. The judgment after considering provisions of Rule 3(8) of U.P. Retirement Benefit Rules, 1961, Regulation 370 of Civil Service Regulations as well as Paragraph - 669 of Financial Handbook, Volume - VI, held that in view of Note appended to Rule 3(8) of Rules, 1961, provisions were required to be read down and provisions of Regulations 370 of Civil Service Regulations and instructions contained in Paragraph - 669 of the Financial Handbook Volume - VI were required to be struck down. It was therefore held that services rendered by temporary employees on work-charge basis or even paid out of contingency fund would be included for purposes of pensionary benefits. It was also held that period of temporary or officiating services in non-establishment would also count for said benefits.

15. A perusal of aforesaid judgment indicates that prior to judgment rendered in the case of ***Prem Singh (supra).*** a similar issue with regard to State of Punjab in the case of ***Kesar Chand v. State of Punjab [AIR 1988 Punjab and Haryana 265]*** was considered by Supreme Court and provisions *pari materia* to the provisions applicable in the State of U.P., were struck down. The judgment of ***Kesar Chand (supra)***, in fact, forms the basis of judgment rendered in the case of ***Prem Singh (supra)***.

16. A perusal of judgment rendered in the case of ***Prem Singh (supra)*** indicates that the learned Advocate General appearing for State of U.P. made his submissions that there was considerable difference in the Rules and Regulations applicable in the States of Uttar Pradesh and Punjab. It had also been submitted that in Punjab, there was deemed regularization, whereas in the State of U.P., services were regularized with effect from a particular date, with such date being the date of entry into service and therefore services rendered prior to the date of regularization would be inapplicable for purposes of qualifying service for pensionary benefits. It had also been submitted that there was a conceptual difference between regular and work-charge employees since work-charge employees were not appointed by following procedure as that of regular employees.

17. It was submitted that work pressure and accountability also differ as also service benefits including benefits of Assured Career Progression Scheme. It had been submitted that treating them similarly would like giving similar treatment to unequal classes which would be against the Right to Equality provided under Article 14 of the Constitution of India since work-charged employees form a separate and distinct class and could not be treated at par with regular, temporary or *ad hoc* employees.

18. Hon'ble Supreme Court thereafter examined provisions of 'qualifying service' in terms of Rules of 1961, Civil Service Regulations and Financial Handbook, Volume - VI and reached a conclusion that very concept of work-charged employment has been misused by offering employment on exploitative terms for work which is regular and perennial in nature. It also held that in view of Note appended to Rule 3(8) of Rules, 1961, there was a provision to count service spent on work-charge, contingencies or non-pensionable service for purposes of being counted as qualifying service for pensionary benefits.

19. It was also held that a classification as was being sought and made by the State was impermissible. The Supreme Court also observed that employees who had not been regularized despite having rendered services for 30 or 40 or more years ought to have been regularized under government instructions as also in terms of directions issued by Supreme Court in the case of ***State of Karnataka v. Uma Devi (3) [(2006) 4 SCC 1]***. It was also held that it would be improper to relegate such persons for consideration of regularization and it was directed that their services should be treated as regular service.

20. For purposes of examination of applicability of the aforesaid judgment vis-a-vis the Act of 2021 and the Ordinance of 2025, relevant provisions required to be considered are as follows:-

21. Rule 3(8) of the Rules, 1961 is as follows:-

> *"Rule 3. In these rules, unless is anything repugnant in the subject or context-*
>
> *(1) - (7)*
>
> *(8) "Qualifying service" means service which qualifies for*

pension in accordance with the provisions of Article 368 of the Civil Service Regulations:

Provided that continuous temporary or officiating service under the Government of Uttar Pradesh followed without interruption by confirmation in the same or any other post except-

(i) periods of temporary or officiating service in a non-pensionable establishment.

(ii) periods of service in a work-charged establishment and

(iii) periods of service in a post paid from contingencies shall also count as qualifying service.

Note:- If service rendered in a non-pensionable establishment work-charged establishment or in a post paid from contingencies falls between two periods of temporary service in a pensionable establishment or between a period of temporary service and permanent service in a pensionable establishment, it will not constitute an interruption of service."

(emphasis supplied)

22. Regulations 361, 368 and 370 of Uttar Pradesh Civil Service Regulations are as follows:-

"361. The service of an officer does not qualify for pension unless it conforms to the following three conditions:-

First – The service must be under Government.

Second – The employment must be substantive and permanent.

These three conditions are fully explained in the following Section.

368. Service does not qualify unless the officer holds a substantive office on a permanent establishment.

370. Continuous temporary or officiating service under the Government of Uttar Pradesh followed without interruption by confirmation in the same or any other post shall qualify, except –

(i) periods of temporary or officiating service in non-pensionable establishment;

(ii) periods of service in work charged establishment; and

(iii) periods of service in a post paid from contingencies."

23. Provisions of paragraphs 667, 668 and 669 of Financial Handbook Volume - VI are as follows:-

"667. Work-charged establishment will include such establishment as is employed upon the actual execution, as distinct from the general supervision, of a specific work or subworks of a specific project or upon the subordinate supervision of departmental labour, stores, and machinery in connection with such work or sub-works. When employees borne on the temporary establishment are employed on work of this nature their pay should, for the time being, be charged direct to the work.

Notes – (1) Persons who actually do the work with their hands, such as, beldars, masons, carpenters, fitters, mechanics, drivers, etc., should be engaged only when works are carried out departmentally, and charged to works. In cases in which it is considered necessary, as a safeguard against damage to the Government Tools and Plant, such as road-rollers, concretemixture, pumping-sets, and other machinery, mechanics, drivers, etc., may be engaged by the Department or alternatively, if engaged by the contractor must be subject to approval by the department, whether the work is done departmentally

or by contract.

(2) Mistries and work agent should, in all circumstances, whether they are employed on works executed departmentally or on contract, be charged to "works".

(3) Subject to the general principles stated in Paras 665 to 667 being observed, the classes of establishment not covered by these definitions may be classified as "work-charged, or temporary", as the case may be, and the rule which prescribes that workcharged establishment must be employed upon a specific work waived, with the previous sanction of the Government and concurrence of the Accountant General. In such cases, the Government shall also determine in consultation with the Accountant General, the proportions in which the cost of such establishment shall be allocated between the works concerned.

668. In all the cases previous sanction of the competent authority as laid down in Vol. I of the Handbook or in the departmental manuals of orders is necessary, which should specify in respect of each appointment (1) the consolidated rate of pay, (2) the period of sanction, and (3) the full name (as given in the estimate) of the work and the nature of the duties on which the person engaged would be employed.

669. Members of the work-charged establishment are not entitled to any pension or to leave salary or allowances except in the following cases:

(a) Wound and other extraordinary pensions and gratuities are in certain cases admissible in accordance with the rules in Part VI of the Civil Service Regulations.

(b) Travelling and daily allowance may be allowed by divisional officers for journeys performed within the State in the interest of work on which the persons are employed on the following conditions:

(i) The journey should be sanctioned by the divisional officer or the sub-divisional officer/assistant engineer specifically authorized for the purpose by the divisional officer;

(ii) the concerned officer while sanctioning the journey should also certify that the journey is actually necessary and unavoidable in the interest of the work on which the person is employed:

(iii) for the journeys so performed the work-charged employee may be allowed travelling and daily allowance at the same rates and on the same conditions as are applicable to a regular government servant of equivalent status.

4. All facilities and concessions admissible to workmen of factories registered under the Factories Act, 1948, are also admissible to the employees of the registered State Workshops and Factories."

24. The aforesaid provisions were examined by Supreme Court in the case of ***Prem Singh (supra)*** and upon such examination, it was held as follows:-

"29. The submission has been urged on behalf of the State of Uttar Pradesh to differentiate the case between work-charged employees and regular employees on the ground that due procedure is not followed for appointment of work charged employees, they do not have that much work pressure, they are unequal and cannot be treated equally, workcharged employees

form a totally different class, their work is materially and qualitatively different, there cannot be any clubbing of the services of the work-charged employees with the regular service and vice versa, if a work-charged employee is treated as in the regular service it will dilute the basic concept of giving incentive and reward to a permanent and responsible regular employee.

30.We are not impressed by the aforesaid submissions. The appointment of the work-charged employee in question had been made on monthly salary and they were required to cross the efficiency bar also. How their services are qualitatively different from regular employees? No material indicating qualitative difference has been pointed out except making bald statement. The appointment was not made for a particular project which is the basic concept of the work charged employees. Rather, the very concept of work-charged employment has been misused by offering the employment on exploitative terms for the work which is regular and perennial in nature. The work-charged employees had been subjected to transfer from one place to another like regular employees as apparent from documents placed on record. In Narain Dutt Sharma & Ors. v. State of Uttar Pradesh & Ors. (CA No._____2019 @ SLP (C) No.5775 of 2018) the appellants were allowed to cross efficiency bar, after '8' years of continuous service, even during the period of work-charged services. Narain Dutt Sharma, the appellant, was appointed as a work-charged employee as Gej Mapak w.e.f 15.9.1978. Payment used to be made monthly but the appointment was made in the pay scale of Rs.200-320. Initially, he was appointed in the year 1978 on a fixed monthly salary of Rs.205 per month. They were allowed to cross efficiency bar also as the benefit of pay scale was granted to them during the period they served as work-charged employees they served for three to four decades and later on services have been regularized time to time by different orders. However, the services of some of the appellants in few petitions/ appeals have not been regularized even though they had served for several decades and ultimately reached the age of superannuation.

31. In the aforesaid facts and circumstances, it was unfair on the part of the State Government and its officials to take work from theemployees on the work-charged basis. They ought to have resorted to an appointment on regular basis. The taking of work on the workcharged basis for long amounts to adopting the exploitative device. Later on, though their services have been regularized. However, the period spent by them in the work-charged establishment has not been counted towards the qualifying service. Thus, they have not only been deprived of their due emoluments during the period they served on less salary in work charged establishment but have also been deprived of counting of the period for pensionary benefits as if no services had been rendered by them. The State has been benefitted by the services rendered by them in the heydays of their life on less salary in workcharged establishment.

32. In view of the note appended to Rule 3(8) of the 1961 Rules, there is a provision to count service spent on work charged, contingencies or non pensionable service, in case, a person has rendered such service in a given between period of two temporary appointments in the pensionable establishment or has rendered such service in the interregnum two periods of temporary and permanent employment. The work-charged service can be counted as qualifying service for pension in the aforesaid exigencies.

33. The question arises whether the imposition of rider that such service to be counted has to be rendered in-between two spells of temporary or temporary and permanent service is legal and proper. We find that once regularization had been made on vacant posts, though the employee had not served prior to that on temporary basis, considering the nature of appointment, though it was not a regular appointment it was made on monthly salary and thereafter in the pay scale of work-charged establishment the efficiency bar was permitted to be crossed. It would be highly discriminatory and irrational because of the rider contained in Note to Rule 3(8) of 1961 Rules, not to count such service

particularly, when it can be counted, in case such service is sandwiched between two temporary or in-between temporary and permanent services. There is no rhyme or reason not to count the service of work-charged period in case it has been rendered before regularisation. In our opinion, an impermissible classification has been made under Rule 3(8). It would be highly unjust, impermissible and irrational to deprive such employees benefit of the qualifying service. Service of work-charged period remains the same for all the employees, once it is to be counted for one class, it has to be counted for all to prevent discrimination. The classification cannot be done on the irrational basis and when respondents are themselves counting period spent in such service, it would be highly discriminatory not to count the service on the basis of flimsy classification. The rider put on that work-charged service should have preceded by temporary capacity is discriminatory and irrational and creates an impermissible classification.

34. As it would be unjust, illegal and impermissible to make aforesaid classification to make the Rule 3(8) valid and non-discriminatory, we have to read down the provisions of Rule 3(8) and hold that services rendered even prior to regularisation in the capacity of work-charged employees, contingency paid fund employees or non-pensionable establishment shall also be counted towards the qualifying service even if such service is not preceded by temporary or regular appointment in a pensionable establishment.

35. In view of the note appended to Rule 3(8), which we have read down, the provision contained in Regulation 370 of the Civil Service Regulations has to be struck down as also the instructions contained in Para 669 of the Financial Handbook.

36.There are some of the employees who have not been regularized in spite of having rendered the services for 30-40 or more years whereas they have been superannuated. As they have worked in the work-charged establishment, not against any

particular project, their services ought to have been regularized under the Government instructions and even as per the decision of this Court in Secretary, State of Karnataka & Ors. v. Uma Devi 2006 (4) SCC 1. This Court in the said decision has laid down that in case services have been rendered for more than ten years without the cover of the Court's order, as one time measure, the services be regularized of such employees. In the facts of the case, those employees who have worked for ten years or more should have been regularized. It would not be proper to regulate them for consideration of regularisation as others have been regularised, we direct that their services be treated as a regular one. However, it is made clear that they shall not be entitled to claiming any dues of difference in wages had they been continued in service regularly before attaining the age of superannuation. They shall be entitled to receive the pension as if they have retired from the regular establishment and the services rendered by them right from the day they entered the work-charged establishment shall be counted as qualifying service for purpose of pension.

37. In view of reading down Rule 3(8) of the U.P. Retirement Benefits Rules, 1961, we hold that services rendered in the work-charged establishment shall be treated as qualifying service under the aforesaid rule for grant of pension. The arrears of pension shall be confined to three years only before the date of the order. Let the admissible benefits be paid accordingly within three months. Resultantly, the appeals filed by the employees are allowed and filed by the State are dismissed."

25. Subsequent to judgment rendered in the case of ***Prem Singh (supra)***, State of U.P. initially promulgated U.P. Qualifying Service for Pension and Validation Ordinance, 2020 which was replaced by U.P. Qualifying Service for Pension and Validation Act, 2021. It is this Validation Act of 2021 which has been heavily relied upon by learned State counsel to submit that in view of changed circumstances, judgment of ***Prem Singh (supra)*** would now be inapplicable and benefit of judgment cannot be granted to petitioners.

26. Provisions of Uttar Pradesh Qualifying Service for Pension and Validation Act, 2021 are as follows:-

"No. 386 (2)/LXXIX-V-1-21-1-ka-39-20

Dated Lucknow, March 5,2021

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Pension Hetu Aharkari Seva Tatha Vidhimanyakaran Adhiniyam, 2021 (Uttar Pradesh Adhiniyam Sankhya 1 of 2021) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 4, 2021. The Vitt (Samanya) Anubhag-3 is administratively concerned with the said Adhiniyam.

THE UTTAR PRADESH QUALIFYING SERVICE FOR PENSION AND VALIDATION ACT, 2021 (U.P. Act no. 1 of 2021)
(As passed by the Uttar Pradesh Legislature)

AN

ACT

to provide for qualifying service for pension and to validate certain actions taken in this behalf and for matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Seventy-second Year of the Republic of India as follows-

1. (1) This Act may be called the Uttar Pradesh Qualifying Service for Pension and Validation Act, 2021.

(2) It shall extend to the whole of the State of Uttar Pradesh.

(3) It shall be deemed to have come into force on April

1, 1961. (Short title, extent and commencement)

2. Notwithstanding anything contained in any rule, regulation or Government order for the purposes of entitlement of pension to an officer, "Qualifying Service" means the services rendered by an officer appointed on a temporary or permanent post in accordance with the provisions of the service rules prescribed by the Government for the post. (Qualifying Service for Pension)

3. Notwithstanding any Judgement, decree or order of any Court, anything done or purporting to have been done and any action taken or purporting to have been taken under or in relation to sub-rule (8) of rule 3 of the Uttar Pradesh Retirement Benefit Rules, 1961 before the commencement of this Act, shall be deemed to be and always to have been done or taken under the provisions of this Act and to be and always to have been valid as if the provisions of this Act were in force at all material times with effect from April 1, 1961.(Validation)

4. Save as otherwise provided, the provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law for the time being in force other than this Act. (Overriding effect)

U.P. Ordinance no. 19 of 2020

5. (1) The Uttar Pradesh Qualifying Service for Pension and Validation Ordinance, 2020 is hereby repealed. (Repeal and saving)

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act

as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

Pension and gratuity admissible to a retired Government servant are determined in relation to the length of qualifying service of the Government servant. Although the term "Qualifying Service is described in the Uttar Pradesh Civil Service Regulation and the Uttar Pradesh Retirement Benefit Rules, 1961, however the definition of the said term is open to subjective interprétation which leads to administrative difficulties.

It has, therefore, been decided to make a law defining the term "Qualifying Service" and to validate such definition with effect from April 1, 1961 which is the date of commencement of the Uttar Pradesh Retirement Benefit Rules, 1961.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Qualifying Service for Pension and Validation Ordinance, 2020 (U.P. Ordinance No.19 of 2020) was promulgated by the Governor on October 21, 2020.

This Bill is introduced to replace the aforesaid Ordinance.

By order,

ATUL SRIVASTAVA,

Pramukh Sachiv"

27. Section 2 of the aforesaid Act of 2021 therefore commences with a non-obstante clause and prescribes that 'qualifying service' would mean services rendered by an officer appointed on a temporary or permanent post in accordance with provisions of Service Rules prescribed by Government on the said post.

28. Section 3 again commences with non-obstante clause and prescribes that anything done or purporting to have been done and any action taken or purporting to have been taken in terms of Rule 3(8) of the Rules, 1961 prior to commencement of the Act would be validated.

29. Section 2 of the Act of 2021 therefore clearly prescribes three conditions as *sine qua non* for grant of pensionary benefits. It is relevant that Section 2 of the Act of 2021 pertains to 'service rendered' by an officer 'appointed' on a 'temporary' or 'permanent' post. Thus Section 2 of the Act of 2021 does not make any distinction in the nature of service rendered by a person appointed on a temporary or permanent post. The distinction, in fact, is only with regard to nature of post. It can therefore be construed that services rendered by a person appointed on a temporary or permanent post may be substantive or even temporary including work-charge. The term 'appointed' has not been defined in Act of 2021 but finds its relation to engagement of service in accordance with provisions of Service Rules prescribed.

30. It is not the case of opposite parties that petitioners at the time of their superannuation were not appointed or confirmed/regularized in terms of provisions of Service Rules.

31. Even assuming that aforesaid provision would be required to be seen for purpose of counting qualifying service rendered by petitioners as temporary or work-charged employees, it is evident that it is not the case of opposite parties that their initial engagement in service was *de hors* the provisions of Service Rules prescribed or that petitioners were unqualified to hold the posts on which they had been initially engaged as temporary or work-charged employees. In view thereof, in the considered opinion of this Court, services rendered by petitioners as temporary or work-charged employees would come within purview of Section 2 of Act of 2021.

32. Here it would also be conducive to refer to engagement of services

which is 'illegal' on one hand and irregular on the other hand. An illegal engagement would be one which is *de hors* Service Regulations particularly in case of engagement of a person who is unqualified or otherwise disqualified to hold the said post, whereas in case of engagement of a person in government service without following due procedure, it would merely be an irregularity and not illegality as has already been held in the case of ***Uma Devi (supra).***

33. In such circumstances as well, provisions of Section 2 of the Act of 2021 cannot exclude such persons who have been appointed/engaged in service with an irregularity but not illegality.

34. Subsequent to promulgation of the Act of 2021 and since benefit of same was being taken by the State, various petitions were filed before this Court seeking benefit of judgment rendered in the case of ***Prem Singh (supra)***. A number of such petitions were clubbed with ***Writ-A No. 8968 of 2022, Dr. Shyam Kumar v. State of U.P. and another*** and were decided vide judgment and order dated 17.02.2023. The Co-ordinate Bench of this Court took into account judgment rendered by Supreme Court in the case of ***Prem Singh (supra)*** as well as Act of 2021 and came to a conclusion that Act of 2021 was not in accordance with law settled by Supreme Court in case of ***Indian Aluminum Co. and others v. State of Kerala and others [(1996) 7 SCC 637]*** since the Act of 2021 did not remove vices pointed out by Supreme Court and invalidity was not cured complying with legal and constitutionary requirements. Relevant portion of judgment is as follows:-

> *"8. The law long settled is that the Legislature can render judicial decision ineffective by enacting valid law on the topic within its legislative field by fundamentally altering or changing its character retrospectively. The changed or altered conditions should be such that the previous decision would not have been rendered by the court, if those conditions had existed at the time of declaring the law as invalid.*
>
> *9. Therefore, the question now before this Court is whether by bringing Act of 2021, the State Government has done away with the vice pointed out by the Supreme Court in case of Prem Singh (supra). In the said judgment, the Supreme Court found that the*

State Government has adopted exploitative labour practice by taking work of regular employees from work charge employees on long term basis without any rationale classification while refusing them benefits available to regular employees. Supreme Court specifically held that the State Government can not get involved in corrupt labour practices. On the aforesaid grounds, the Supreme Court read down the provisions of Rule 3(8) of the Rules of 1961 and struck down Regulation 370 of Civil Service Regulations and Para 669 of the Financial Handbook.

10. It is the duty of State to create new temporary or permanent posts as per its needs and make appointments on the same. Law also permits State to appoint daily wagers or work charge employees, but only when the work is for short period or is in a work charge establishment for fixed duration. Law does not permit the State to take work for long period, extending even for the entire working life of a person, on temporary or work charge basis. In such cases, it is the duty of State to create new posts and make appointments, giving all benefits of regular employees. Otherwise, State would be found to be adopting exploitative labour practice. This is the vice pointed out by the Supreme Court in Prem Singh's case (supra), and instead of removing the same, the State by Section 2 of the Act of 2021 has extended the sphere of its illegality. By Section 2 of the Act of 2021, it desires to take benefit of its own failure of creating posts in time and making appointments on the same, by not counting the said period of such service for pensionary benefits. State still fails to explain the rationale on the basis of which it has created this new classification and the manner in which, by the amended provision, it has removed the irrationality."

35. The issue was again examined by another co-ordinate Bench of this Court in the case of ***Awadhesh Kumar Srivastava v. State of U.P. and others [2023 SCC OnLine All 360]*** and the learned Single Judge came to the same conclusion as was indicated in the case of ***Dr. Shyam Kumar (supra).*** Relevant portion of the judgment is as follows:-

"43. This Court is of the view that the action of the State in excluding the service rendered by an employee on the work-charged establishment or daily wager from Section 2 of the U.P. Act No.1 of 2021 is hit by Article 14 of the Constitution of India for the reason that the Apex Court has held that the exclusion of service rendered by an employee on the work-charged establishment from the regular service would amount to treating equals as unequal. Further, there is no rationale in excluding the service of an employee as work-charged or daily-wager from regular service for determining the qualifying service for pension whereas the period of service rendered by an employee as temporary or permanent post is liable to be counted for the purpose of qualifying service when the nature of duties performed by a person appointed as daily wager or on work-charged establishment or temporary or permanent post are similar and identical.

44. The other reason to conclude that Section 2 of the U.P.Act No.1 of 2021 is hit by Article 14 of the Constitution of India is that the State cannot by its arbitrary action put the employee working on work charge establishment or daily wager to disadvantage by taking work of perpetual nature from such employee on low wages for years and excluding the period of service rendered by such employee under work charge establishment or as daily-wager from regular service for counting qualifying service for pension when the nature of duties performed by such employees are akin and similar to the nature of duties performed by the employee appointed on a temporary and permanent post in accordance with the provisions of service rules framed by the State Government and their services are liable to be counted for determining qualifying service.

45. It is settled in law that the accrued or vested right cannot be taken away by an amendment. The law on the point that the pension is not a bounty and is earned by the employee by the dint of his long service is no more res integra. The right of work charge employee or daily wager to include their service rendered

under work charge establishment or daily-wager with regular sevice for determining qualifying service for pension has been recognized by the Apex Court in Prem Singh's case, therefore, such a right of an employee cannot be taken away by enacting a law which is hit by Article 14 of the Constitution of India.

46. In such view of the fact, this Court finds that U.P. Act No.1 of 2021 does not qualify the three tests laid down by the Apex Court in the judgements referred above to negate the benefit of the judgement of the Apex Court in Prem Singh's case (supra)."

36. It is also evident that provisions of the Ordinance of 2020 and Validation Act of 2021 are *pari materia* and during existence of Ordinance of 2020, same was also examined by various Division Benches of this Court in ***State of U.P. and others v. Dinesh Rai, Special Appeal No. 230 of 2024 and other connected appeals*** and ***Brahmananad Singh and others v. State of U.P. and others, Special Appeal No. 438 of 2017*** as in the case of ***State of U.P. and others v. Bhanu Pratap [2021 SCC OnLine All 1113]*** in the following manner:-

"*8. It is clear from the perusal of Section 2 of the Act of 2021 that it would have effect notwithstanding anything contained in U.P. Retirement Benefit Rules, 1961 or Regulation 361 and 370 of the Civil Service Regulation. Careful reading thereof, however, reveals that "Qualifying Service" has been defined to mean the services rendered by an officer appointed on a temporary or permanent post in accordance with the provisions of the service rules prescribed by the Government for the post.*

9. Admittedly, the petitioner was appointed on 10.05.1989 as work charge employee at Azamgarh. His services were however regularised on 15.6.2011. The regularisation of service was against the permanent post and it is not that his initial appointment was not in accordance to service Rules.

10. In light of the aforesaid, period spent in service may be on temporary basis while working as a work-charge employee, proceeded with regularization, benefit of past services cannot be

denied."

37. The aforesaid judgment upheld judgment and order passed by learned Single Judge in Writ-A No. 35301 of 2017 whereby a direction was issued for giving benefit of Old Pension Scheme to petitioner by counting services rendered by him as work-charge employee towards qualifying service for grant of pension. The judgment rendered by Division Bench of this Court was challenged in Special Leave to Appeal No. 10381 of 2022 which was dismissed vide order dated 11.07.2022 by prescribing a time-limit of eight weeks to comply with order passed by the High Court.

38. Another Division Bench judgment rendered on the same aspect with the same conclusion has been passed subsequently as in the case of ***State of U.P. and others v. Mahendra Singh, Special Appeal Defective No. 1003 of 2020*** . It is therefore evident that aspect of including services rendered by work-charge or temporary employees prior to their regularization and even after advent of the Ordinance of 2020 and Act of 2021 have been taken into account towards qualifying service for purposes of pension.

39. As noticed here-in-above, in the case of ***Bhanu Pratap (supra)***, judgment has been affirmed by Hon'ble Supreme Court.

40. Recently, in another judgment rendered by Supreme Court in the case of ***Jaggo v. Union of India and others [2024 SCC OnLine SC 3826]***, the issue was again raised by the State that since the nature of engagement was purely on part-time, contractual basis and was never intended to be permanent or full-time and keeping in view judgment rendered in ***Uma Devi (supra),*** such persons were not entitled for pensionary benefits, was considered and after examination of relevant aspects keeping in line with fundamental rights indicated in the Constitution of India, Hon'ble Supreme Court held as follows:-

> "*10. Having given careful consideration to the submissions advanced and the material on record, we find that the appellants' long and uninterrupted service, for periods extending well beyond ten years, cannot be brushed aside merely by labelling their initial appointments as part-time or contractual. The essence of their employment must be considered in the light of*

their sustained contribution, the integral nature of their work, and the fact that no evidence suggests their entry was through any illegal or surreptitious route.

12. Despite being labelled as "part-time workers," the appellants performed these essential tasks on a daily and continuous basis over extensive periods, ranging from over a decade to nearly two decades. Their engagement was not sporadic or temporary in nature; instead, it was recurrent, regular, and akin to the responsibilities typically associated with sanctioned posts. Moreover, the respondents did not engage any other personnel for these tasks during the appellants' tenure, underscoring the indispensable nature of their work.

13. The claim by the respondents that these were not regular posts lacks merit, as the nature of the work performed by the appellants was perennial and fundamental to the functioning of the offices. The recurring nature of these duties necessitates their classification as regular posts, irrespective of how their initial engagements were labelled. It is also noteworthy that subsequent outsourcing of these same tasks to private agencies after the appellants' termination demonstrates the inherent need for these services. This act of outsourcing, which effectively replaced one set of workers with another, further underscores that the work in question was neither temporary nor occasional.

14. The abrupt termination of the appellants' services, following dismissal of their Original Application before the Tribunal, was arbitrary and devoid of any justification. The termination letters, issued without prior notice or explanation, violated fundamental principles of natural justice. It is a settled principle of law that even contractual employees are entitled to a fair hearing before any adverse action is taken against them, particularly when their service records are unblemished. In this case, the appellants were given no opportunity to be heard, nor were they provided any reasons for their dismissal, which followed nearly two decades of dedicated service.

19. It is evident from the foregoing that the appellants' roles were not only essential but also indistinguishable from those of regular employees. Their sustained contributions over extended periods, coupled with absence of any adverse record, warrant equitable treatment and regularization of their services. Denial of this benefit, followed by their arbitrary termination, amounts to manifest injustice and must be rectified.

20. It is well established that the decision in Uma Devi (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements. However, where appointments were not illegal but possibly "irregular," and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis can, over the time, transform what was initially ad-hoc or temporary into a scenario demanding fair regularization. In a recent judgement of this Court in Vinod Kumar and Ors. Etc. Vs. Union of India & Ors.5, it was held that held that procedural formalities cannot be used to deny regularization of service to an employee whose appointment was termed "temporary" but has performed the same duties as performed by the regular employee over a considerable period in the capacity of the regular employee. The relevant paras of this judgement have been reproduced below:

> *"6. The application of the judgment in Uma Devi (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a*

considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in the case of Uma Devi (supra).

7. The judgement in the case Uma Devi (supra) also distinguished between "irregular" and "illegal" appointments underscoring the importance of considering certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews as in the present case."

21. The High Court placed undue emphasis on the initial label of the appellants' engagements and the outsourcing decision taken after their dismissal. Courts must look beyond the surface labels and consider the realities of employment: continuous, long-term service, indispensable duties, and absence of any mala fide or illegalities in their appointments. In that light, refusing regularization simply because their original terms did not explicitly state so, or because an outsourcing policy was belatedly introduced, would be contrary to principles of fairness and equity.

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade longterm obligations owed to employees. These practices manifest in several ways:

- ***Misuse of "Temporary" Labels**: Employees*

engaged for work that is essential, recurring, and integral to the functioning of an institution are often labeled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

- ***Arbitrary Termination:*** *Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.*

- ***Lack of Career Progression:*** *Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.*

- ***Using Outsourcing as a Shield:*** *Institutions increasingly resort to outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.*

- ***Denial of Basic Rights and Benefits:*** *Temporary employees are often denied fundamental benefits such as pension, provident*

> *fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances.*

26. While the judgment in Uma Devi (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between "illegal" and "irregular" appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in Uma Devi (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.

27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation,

> *promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country."*

41. The aforesaid judgment has thereafter been followed with approval by Supreme Court in the subsequent case of ***Shripal and another v. Nagar Nigam, Ghaziabad [2025 SCC OnLine SC 221]***.

42. It is therefore evident from a perusal of judgment rendered by Supreme Court in the case of ***Jaggo (supra)*** that long and uninterrupted service of periods extending well beyond ten years, cannot be brushed aside merely by labelling their initial appointments as part-time or contractual appointment. It was held that since such engagement was not sporadic but recurrent, and akin to responsibilities and work typically associated with sanctioned posts, such services were in fact regular in nature and with the work being performed indistinguishable from those of regular employees. It was also held that decision rendered in the case of ***Uma Devi (supra)*** did not intend to penalize employees who rendered long years of service fulfilling on-going and necessary functions of the State or its instrumentalities. It was held that procedural formalities cannot be used to deny regularization of service to an employee whose appointment, though termed temporary but performed same duties as being performed by regular employees for considerable period. It was also held that the judgment aimed to distinguish between 'illegal' and 'irregular' appointments with a categorical enunciation that employees whose appointments did not follow procedure laid down in Service Rules was merely irregular and not illegal and were therefore required to be considered for regularization as one time measure.

43. The judgment also noticed that laudable intent of the judgment rendered in the case of ***Uma Devi (supra)*** was being subverted by institutions to indiscriminately reject claims of employees on untenable grounds. Hon'ble Supreme Court has therefore issued a direction that it is imperative for Government Departments to lead example for providing fair and stable employment.

44. However, it is also pertinent that in the judgment of ***Jaggo (supra),***

provisions of neither Ordinance 2020 nor Act of 2021 was under consideration. Nonetheless, in the considered opinion of this Court, the aforesaid judgment would be equally binding in the present case since it pertains to fundamental rights accrued to petitioners in terms of Part - III of the Constitution of India.

45. It is also relevant that subsequently, Ordinance of 2025 has been promulgated with the term 'substantive appointee' being defined under Section 2(d) thereof. The said Ordinance is as follows:-

"THE UTTAR PRADESH ENTITLEMENT TO PENSION AND VALIDATION ORDINANCE, 2025

(U.P. Ordinance no. 9 of 2025)

[Promulgated by the Governor in the Seventy-sixth Year of the Republic of India]

AN

ORDINANCE

to provide for entitlement to pension and validate certain actions taken in this behalf and for mattes connected therewith incidental thereto.

WHEREAS the State Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance:-

1. (1) This Ordinance may be called the Uttar Pradesh Entitlement to Pension and Validation Ordinance, 2025.

(2) It shall extend to the whole of the State of Uttar Pradesh.

(3) It shall be deemed to have come into force on April 1, 1961.

2. For purposes of this Ordinance, unless the context otherwise requires, --

(a) "Government" shall mean the Government of Uttar Pradesh;

(b) "regulations" shall mean any regulations in exercise of any power conferred by any enactment by the State of Uttar Pradesh and shall include the Civil Service Regulations as adopted for application in Uttar Pradesh and any other regulations made by the Governor of Uttar Pradesh;

(c) "rules" shall mean any rules made in exercise of any power conferred by any enactment by the State of Uttar Pradesh and shall include the Uttar Pradesh Retirement Benefit Rules, 1961 and any other rules made by the Governor of Uttar Pradesh under the proviso to Article 309 of the Constitution;

(d) ***"substantive appointee" shall mean any person who has been appointed in accordance with the procedure prescribed in the applicable rules or regulations to any temporary or permanent post duly created by the Government in a permanent establishment of the Government****.*

3. Notwithstanding anything contained in any rules, regulations or Government orders, no person who, --

(a) is not a substantive appointee in any department or in any organization under any department of the Government; and

(b) is or has been a subscriber to any Contributory Provident Fund or the Employees' Provident Fund;

shall be entitled to pension under any rules, regulations or Government orders relating to the grant of pension.

4. Notwithstanding any judgment, decree or order of any Court, Tribunal or Authority, all actions taken, things done or Government orders issued or purporting to have been taken, done or issued, by which pension has been denied to any persons or

class of persons who are not substantive appointees and who are or have been subscribers to any Contributory Provident Fund or the Employees' Provident Fund, shall be deemed to be and always to have been validly taken, done or issued under the provisions of this Ordinance and to be and always to have been valid as if the provisions of this Ordinance were in force at all material times with effect from April 1, 1961.

5. Save as otherwise provided, the provisions of this Ordinance shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law for the time being in force other than this Ordinance. ... "

46. A perusal of Section 2(d) of the Ordinance, 2025 indicates that it is applicable only in those cases where an employee has been appointed in accordance with prescribed procedure in applicable rules.

47. Here again, there is no distinction drawn between nature of service provided by a person engaged by the State Government. However, a person who has not been appointed in accordance with procedure prescribed, has been excluded from the definition of 'substantive appointee' and Section - 3 thereafter disentitles a person who is not a substantive employee, from pension. Section 4 of the Act thereof confers non-obstante clause to the aforesaid Act and proceedings taken in lieu of Acts and Rules indicated therein.

48. In view of judgment rendered by Co-ordinate Bench of this Court in the case of ***Dr. Shyam Kumar (supra),*** which in turn places reliance on judgment rendered by Supreme Court in the case of ***Indian Aluminum Company and others (supra),*** it is again evident that the State while promulgating aforesaid Ordinance of 2025 has not at all bothered to remove the vice pointed out by Supreme Court nor it has removed invalidity indicated in the case of ***Prem Singh (supra)***. The Ordinance also does not indicate any changed or altered conditions to such an extent that the decision rendered in ***Prem Singh (supra)*** and conditions indicated therein do not now exist. It is therefore evident that the Ordinance of 2025 seeks to overrule a decision of the Supreme Court which otherwise is binding upon it, without

indicating any features for exercising legislative power to overrule the aforesaid decision.

49. In the considered opinion of this Court, therefore, the Ordinance of 2025 is not only against the dictum of Supreme Court in the case of ***Prem Singh (supra)*** but also against the judgment rendered in the case of ***Uma Devi (supra)*** in the light of judgment rendered in the case of ***Indian Aluminum Company and others (supra)*** which has held as follows:-

> *"56. From a resume of the above decisions the following principles would emerge:*
>
> *[1] The adjudication of the rights of the parties is the essential judicial function. Legislature has to lay down the norms of conduct or rules which will govern the parties and the transaction and require the court to give effect to them;*
>
> *[2] The Constitution delineated delicate balance in the exercise of the sovereign power by the Legislature, Executive and Judiciary,*
>
> *[3] In a democracy governed by rule of law, the Legislature exercises the power under Articles 245 and 246 and other companion Articles read with the entries in the respective Lists in the Seventh Schedule to make the law which includes power to amend the law.*
>
> *[4] Courts in their concern and endeavor to preserve judicial power equally must be guarded to maintain the delicate balance devised by the Constitution between the three sovereign functionaries. In order that rule of law permeates to fulfil constitutional objectives of establishing an egalitarian social order, the respective sovereign functionaries need free-play in their joints so that the march of social progress and order remain unimpeded. The smooth balance built*

with delicacy must always maintained;

[5] In its anxiety to safeguard judicial power, it is unnecessary to be overjealous and conjure up incursion into the judicial preserve invalidating the valid law competently made;

[6] The Court, therefore, need to carefully scan the law to find out: (a) whether the vice pointed out by the Court and invalidity suffered by previous law is cured complying with the legal and constitutional requirements; (b) whether the Legislature has competence to validate the law; (c) whether such validation is consistent with the rights guaranteed in Part III of the Constitution.

[7] The Court does not have the power to validate an invalid law or to legalise impost of tax illegally made enact the law with retrospective effect and authorise its agencies to levy and collect the tax on that basis, make the imposition of levy collected and recovery of the tax made valid, notwithstanding the declaration by the Court or the direction given for recovery thereof.

[8] In exercising legislative power, the legislature by mere declaration, without anything more, cannot directly overrule, revise or override a judicial decision. It can render judicial decision ineffective by enacting valid law on the topic within its legislative field fundamentally altering or changing its character retrospectively. The changed or altered conditions are such that the previous decision would not have been rendered by the court, if those conditions had existed at the time of declaring the law as invalid. It is also empowered to give effect to retrospective legislation with a deeming date or with effect from a particular date. The legislature can change the character of the tax or duty from impermissible to permissible tax but

> *the tax or levy should answer such character and the legislature is competent to recover the invalid tax validating such a tax on removing the invalid base for recovery from the subject or render the recovery from the State ineffectual. It is competent for the legislature to enact the law with retrospective effect and authorise its agencies to levy and collect the tax on that basis, make the imposition of levy collected and recovery of the tax made valid, notwithstanding the declaration by the court or the direction given for recovery thereof.*
>
> *[9] The consistent thread that runs through all the decisions of this Court is that the legislature cannot directly overrule the decision or make a direction as not binding on it but has power to make the decision ineffective by removing the base on which the decision was rendered, consistent with the law of the Constitution and the legislature must have competence to do the same.*"

50. Learned State Counsel has laid much emphasis on judgment rendered in the case of ***Ashok Tewari (supra)***. A perusal of the judgment makes it evident that the Division Bench was concerned primarily with regard to applicability of pensionary benefit on persons whose services had been regularized on or after 1st April, 2005 in terms of amendment incorporated in the Rules of 1961. It was held that since under the New Pension Scheme, there was no concept of a qualifying service, therefore services rendered prior to regularization could not be considered as service qualifying for pensionary benefits.

51. In the considered opinion of this Court, aforesaid judgment is clearly inapplicable and distinguishable in the facts of this case since the present case does not deal with the aspect of benefits under the New Pension Scheme as also the aspect that the judgment has been passed without considering various Division Bench judgments reading down the Ordinance of 2020 and the Act of 2021.

52. The Division Bench has noticed the judgment of ***Prem Singh (supra)*** in

paragraph - 33, but has not relied upon same in view of amendment incorporated in Rule 3 (8) of Rules, 1961 vide amendment dated 5th March, 2021. The judgment of ***Prem Singh (supra)*** was also not followed only for the reason that under the New Pension Scheme, there is no concept of qualifying service and therefore there is no question of adding any past service. It is also evident that the judgment has placed reliance on a single bench judgment in the case of ***Brahmanand Singh (supra)*** but apparently it was not brought to the notice of Division Bench that said judgment of ***Brahmanand Singh (supra)*** was already set aside in Special Appeal No. 438 of 2017 vide judgment and order dated 23.10.2019.

53. The Division Bench has also not considered the aspect that Ordinance of 2020 was held not to be applicable in such circumstances as the present case in the case of ***Bhanu Pratap (supra)*** with judgment rendered by Division Bench of this Court as indicated here-in-above being upheld by Supreme Court.

54. With regard to the aforesaid aspects, it is observed that judgment rendered in the case of ***Ashok Tewari (supra)*** has failed to consider various Division Bench Judgments on the aforesaid aspect and would therefore come within the concept of *per incuriam* as indicated in the Full Bench decision of this Court in ***Rana Pratap Singh v. State of U.P. [(1995) 1 ACJ 200]*** and ***Namo Narayan Rai and others (supra)***.

55. Learned State Counsel has also referred to judgment rendered by Full Bench of this Court in the case of ***Namo Narayan Rai (supra)***. However, from perusal of the aforesaid judgment, it is evident that the same does not consider any law pertaining to the Ordinance of 2020 or Act of 2021 or the Ordinance of 2025. The judgment also has not adverted to the case of ***Prem Singh (supra)***. In view thereof, the aforesaid judgment is inapplicable in view of the present facts and circumstances since the question involved before the Full Bench even otherwise does not pertain to the issue in question and involves only the aspect of general payment of GPF.

56. It is thus evident that judgments relied upon by learned State Counsel are either *per incuriam* or have already been set aside in appeal.

57. In the considered opinion of this Court, neither of the two judgments

would be applicable in the present facts and circumstances of the case.

58. It is also relevant that opposite parties do not deny the fact that petitioners otherwise were fully qualified and eligible for regular appointment on the posts on which they were engaged initially either on temporary or work-charge basis. The only ground taken is that petitioners were engaged without following procedure prescribed according to Service Rules. As has already been noticed here-in-above, same would only render such engagements to be irregular and not illegal and therefore would come within purview of law enunciated by Supreme Court in the case of ***Uma Devi (supra)*** *as well as* **Jaggo (supra)**.

59. In view of discussions made here-in-above and the law noticed, it is evident that petitioners would have a right for benefits of pension and pensionary benefits irrespective of the Ordinance of 2020 as replaced by the Act of 2021 and the Ordinance of 2025.

60. The answer to question (a) is therefore answered in favour of petitioners.

Answer to question (b)

61. In view of discussion and answer to question (a) holding petitioners eligible for pensionary benefits with counting of their services rendered as temporary or work-charge being eligible as qualifying service of pensionary benefits, the aspect of their regularization subsequent to 1st April, 2005 is rendered irrelevant.

62. It is also evident from a perusal of judgment rendered in the case of ***Prem Singh (supra)*** that the learned Advocate General for State of U.P. has specifically raised this plea that services rendered prior to date of regularization would be inapplicable since such persons were born into the cadre only upon regularization. It is also evident from perusal of the aforesaid judgment and in the case of ***Prem Singh (supra)*** that the said submission has been impliedly rejected particularly in view of findings recorded therein. Even otherwise, the aspect is no longer relevant in view of subsequent judgment of Supreme Court in the case of ***Jaggo (supra)***.

63. In view thereof, it is held that petitioners irrespective of their regularization in service post 01.04.2005 would be eligible for pension and

such benefits.

64. The answer to question (b) is therefore answered in favour of petitioners.

Answer to question (c)

65. As has been noticed here-in-above, particularly in the case of ***Prem Singh (supra)*** and ***Jaggo (supra),*** such employees who were initially engaged in service as temporary or on work-charge basis and superannuated after decades of such service without regularization, would also be entitled for pension and pensionary benefits irrespective of the Ordinance of 2020 as replaced by Act of 2021 and the Ordinance of 2025.

66. Question (c) is therefore answered in favourable terms to petitioners.

67. Before parting with this case, it is also relevant that aspect of a Welfare State is not an abstract concept incorporated in the Constitution of India only for the sake of posterity. It is in fact an embodiment of aspirations of not only the founding fathers but also the people of India that the State would keep welfare of the people of this country paramount. Even in cases where there is an apparent conflict between the interest of the State and its people, though hard to imagine, it is the interest of people of a country which would supersede those of a State because ultimately the State is a creation of and functions under the Constitution of India which has been given to us by the people of India.

68. In view of answers to three questions, as indicated here-in-above, petitions, except Writ-A No.9912 of 2023, succeed and are **allowed**. Various orders impugned in the writ petitions denying benefit of pensionary benefits are hereby quashed by issuance of a writ in the nature of Certiorari.

69. Parties to bear their own costs.

70. Since a different issue is involved in Writ-A No. 9912 of 2023, *Nand Ram and others v. State of U.P. others*, let it be de-linked from the instant bunch and list it separately in the next week.

(Manish Mathur,J.)

November 4, 2025
lakshman