



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

SPECIAL LEAVE PETITION (CIVIL) No.4900 of 2023

**NAMAMI GANGE AND RURAL WATER
SUPPLY DEPARTMENT**

... Petitioner (s)

VERSUS

OM PRAKASH SINGH AND OTHERS

... Respondent(s)

WITH

Special Leave Petition (Civil) No.4902 of 2023

AND

**Contempt Petition (Civil) No.1212 of 2023 in S.L.P.(C) No.3176 of 2023
(@ S.L.P. (C) No(s).3176-3177 of 2023)**

J U D G M E N T

Rajesh Bindal, J.

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

1. The present Special Leave Petition has been filed impugning the order¹ passed by the High Court² in the Writ Petition³ filed by the Respondent Nos.1 to 45 against the Respondent Nos.46 to 51. The High Court vide Common order dated 27.02.2020 decided the

¹ Dated 27.02.2020

² High Court of Judicature at Allahabad, Lucknow Bench

³ Service Bench No.651 of 2014

three Writ Petitions⁴, however, the present Special Leave Petition has been filed only against the order passed by the High Court in Service Bench No.651 of 2014.

2. The issue raised by the writ petitioners before the High Court was for the quashing of the certain orders passed by the authorities declining them the benefit of pay revision and consequential retiral benefits from 01.01.2006 and awarding the same from 12.03.2010. The High Court while quashing the order impugned directed the respondents in the writ petition to pay benefits of the Sixth Pay Commission w.e.f. 01.01.2006 as was provided to the State Government employees.

3. The fact remains that the order passed by the Single Bench of the High Court dated 27.02.2020 in the petitions⁵, where Uttar Pradesh Jal Nigam was a party, was subject matter of challenge before the Division Bench of the High Court in the Special Appeal⁶, which was dismissed *vide* order dated 09.11.2020.

4. Still not satisfied with the order passed by the Division Bench of the High Court, Special Leave Petition⁷ was filed before this Court by State of Uttar Pradesh. The same was disposed by this Court

⁴ Service Single No.11991 of 2017, Service Bench No.651 of 2014 and Service Single No.154 of 2020

⁵ Service Single No.11991 of 2017

⁶ Special Appeal Defective No.276 of 2020.

⁷ S.L.P.(C) No.3311 of 2022

on 20.05.2022. This Court while disposing of the aforesaid Special Leave Petition had directed that the amount be deposited in the GPF Account of the employees concerned within a period of six months from the date of order. On failure, the same shall carry interest @ 6% per annum. In case of the employees, who had retired on attaining the age of superannuation, four months' time was granted to pay the arrears. On failure, interest was payable @ 6% per annum.

5. It would be out of place if it is not mentioned here that the Review Petition⁸ filed against the aforesaid order was dismissed by this Court vide order dated 20.09.2022.

6. On account of non-compliance of the order dated 20.05.2022, some of the employees filed Contempt Application⁹ before the High Court in which notice was issued to the alleged contemnors. The High Court *vide* interim order dated 20.12.2022 in the aforesaid Contempt Application directed the respondents therein to comply with the order dated 20.05.2022 passed by this Court. The same was challenged before this Court by filing Special Leave Petition (Civil) Nos.3176-3177 of 2023. Noticing the fact that after this Court passed order on 20.05.2022, subsequent Review Petitions¹⁰ having been

⁸ Review Petition (C) No.1045 of 2022

⁹ Contempt Application (Civil) No.1998 of 2021

¹⁰ Review Petition (c) Diary No.34631 of 2022 and Review Petition (c) Diary No.34966 of 2022

dismissed on 29.11.2022 and 17.01.2023 respectively, the Special Leave Petition was dismissed by this Court on 10.02.2023. Four weeks further time was granted for compliance of the order. The relevant text of the order is extracted below:

“Considering the fact that the directions of which the non-compliance is alleged were issued as far as back in the month of May, 2022 and even, thereafter, the review petitions have been dismissed in the month of November, 2022/January, 2023, it is not open for the U.P. Jal Nigam and/or the State Government to pray for further six months time and come out with a scheme. Once, there are specific directions issued by this Court and the U.P. Jal Nigam/the State Government are directed to make the payment within the stipulated time and subject to modification as per our earlier order, there is no question of any further scheme to be framed by the U.P. Jal Nigam or the State Government. The applicants are bound to comply with our earlier order. The High Court has not committed any error. The Special Leave Petitions stand dismissed.

However, we grant further four weeks time to the applicant(s) to comply with our earlier orders of which the non-compliance is alleged before the High Court and even before this Court, failing which the matter shall be viewed very seriously and any non-payment shall be treated as willful disobedience of the directions issued by this Court.”

7. The present petition was filed along with an application seeking leave to file the Special Leave Petition raising the ground that prior to 24.08.2021 when earlier orders were passed, the petitioner, namely, Namami Gange and Rural Water Supply Department was not in existence. The bifurcation of the Uttar Pradesh Jal Nigam was effected *vide* the Uttar Pradesh Water Supply and Sewerage (Amendment) Act, 2021¹¹ w.e.f. 09.09.2021¹² in terms of which, Jal Nigam was divided into two parts i.e. U.P. Jal Nigam (Urban) and U.P. Jal Nigam (Rural). The Petitioner, namely, Namami Gange and Rural Water Supply Department is the Rural wing of U.P. Jal Nigam.

8. Permission to file the Special Leave Petition was granted and notice was issued on 03.03.2023. *Vide* order dated 21.07.2023 proceedings in the Contempt Application (Civil) No.1998 of 2021 pending before the High Court were stayed by this Court.

9. Further, some of the employees filed Contempt Petition¹³ before this Court, which was tagged to be taken up with the present Special Leave Petition, *vide* order dated 01.03.2024.

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

¹¹ Vide Notification No. 800/19 – F – 1-21-1-Ka-29-21 dated 24.08.2021.

¹² Notification No. 1770/9.3.21 – 05C/2021 dated 09.09.2021.

¹³ Contempt Petition (Civil) No.1212 of 2023 in SLP No(s).3176-3177 of 2023

and the Jal Nigam, the same was sought to be raised after U.P. Jal Nigam was bifurcated into U.P. Jal Nigam (Urban) and U.P. Jal Nigam (Rural), which cannot be permitted.

11. In the earlier litigation, both State as well as U.P. Jal Nigam were parties. The order passed by this Court in S.L.P.(C) No(s).3176-3177 of 2023 on 10.02.2023 is quite explicit and the same has already been extracted above.

12. Considering the aforesaid factual matrix, we do not find any merit in the present petition and the same is accordingly dismissed. However, three months more time is granted from today for compliance of the order.

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

13. In view of the dismissal of the Special Leave Petition, I.A. No.205491 of 2023 filed by the Respondent Nos.1, 2 -9, 11, 14-15, 17,18, 20, 22, 23, 26, 27, 30, 32-36, 39, 40-44, for revocation of order dated 03.03.2023 passed by this Court and dismissal of Special Leave Petition stands disposed of.

Special Leave Petition No.4902 of 2023

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

Contempt Petition (Civil) No.1212 of 2023

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

.....J.
(J.K. MAHESHWARI)

.....J.
(RAJESH BINDAL)

New Delhi
January 06, 2025.