



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

CIVIL APPEAL NO. 2824 OF 2015

STATE OF U.P. AND OTHERS

APPELLANT(S)

VERSUS

KARUNAKAR KHARE AND OTHERS

RESPONDENT(S)

WITH

CIVIL APPEAL NO. 2828 OF 2015

CIVIL APPEAL NO. 2829 OF 2015

CIVIL APPEAL NO. 2831 OF 2015

CIVIL APPEAL NO. 2830 OF 2015

J U D G M E N T

B.R. GAVAI, J.

1. Despite being served, none appears for the respondents in Civil Appeal Nos. 2824, 2829, 2830 and 2831 of 2015.

2. The only grievance that is raised in the present appeals is with regard to the date on which the benefit of G.O. dated 7th December 1979 would be available to the respondents.

3. The issue involved before the Division Bench of the Allahabad High Court in ***K.K. Misra and Others v. State of U.P. and Others***¹ pertained to payment of special work allowance, special pay, fixed house rent allowance, motor subsidy and one month's extra pay to the employees, who were working in the ministerial cadre of the U.P. Police Force in the Intelligence Department at par with the equivalent category of officers/officials belonging to the Executive Cadre working in the Intelligence Department. By the judgment and order dated 23rd September 1991, the writ petition was allowed by the Division Bench and the allowances were made applicable from the date of the said order. The view taken in the case of ***K.K. Misra*** (supra) has been affirmed by this Court vide its order dated 7th October 1992.

4. Lastly, this Court vide order dated 17th January 2007 passed in the case of ***State of U.P. and Others v. Prem Prakash Mishra and Others***², held that the Ministerial staff working in the police are also entitled to the same benefits that the police personnel are getting, i.e., one month extra

¹ Writ Petition No.6700 of 1986 dated 23rd September 1991

² Civil Appeal Nos. 1926-1928 of 2004

pay in every financial year.

5. In the present case, the writ petitioners before the High Court were employees working in the Ministerial cadre in the Establishment/Department of Police, Govt. of U.P. The Single Judge of the High Court allowed the writ petition granting relief in terms of G.O. dated 7th December 1979. The State preferred special appeals before the Division Bench of the High Court, which, vide impugned order held that the employees, who have performed their duties on second Saturdays, Sundays and Gazetted holidays should also be entitled to such a benefit with effect from 7th December 1979.

6. It is the grievance of the State that when the date from which the benefits were granted in the case of **K.K. Misra** (supra) had been finally approved by this Court from 23rd September 1991, the Division Bench erred in making the same benefit applicable from 7th December 1979.

7. We find that there is merit in the contention raised on behalf of the State.

8. In view of the judgment of the High Court in **K.K. Misra** (supra) dated 23rd September 1991, which was approved by this Court and so also the judgment of this Court dated 17th

January 2007, the benefit ought to have been given only with effect from 23rd September 1991.

9. The appeals are therefore partly allowed. The date of 7th December 1979 mentioned in the impugned order is modified as with effect from 23rd September 1991.

10. Pending application(s), if any, stands disposed of.

.....**J.**
(B.R. GAVAI)

.....**J.**
(PAMIDIGHANTAM SRI NARASIMHA)

New Delhi;
26th July, 2022.