

CASE NO.:
Appeal (civil) 905-906 of 2008

PETITIONER:
STATE OF U.P. & OTHERS

RESPONDENT:
ASHOK SINGH VIKAL & OTHERS

DATE OF JUDGMENT: 01/02/2008

BENCH:
P.P. NAOLEKAR & LOKESHWAR SINGH PANTA

JUDGMENT:
JUDGMENT

O R D E R
[ARISING OUT OF S.L.P.(C) NOS. 17145-17146 OF 2005]

1. Leave granted.
2. Respondent Nos. 1 to 4 and 7 were selected as Senior Milk Inspectors in Dairy Development Hill Sub-Cadre by the U.P. Public Service Commission under the U.P. Hill Sub-Cadre Rules, 1992. After the bifurcation of the State of U.P., U.P. Hill Sub-Cadre Rules, 1992 no longer remain in existence and, thus, the impugned order of the High Court in Civil Misc. Writ Petition No. 47075 of 2002 and Civil Misc. Writ Petition No. 29612 of 2003 directing the Government of U.P. to consider the appointment of respondents has been challenged in these appeals, by special leave, before this court.
3. We have heard learned counsel for the parties and considered the material on record.
4. Considering the facts of the case, we are of the opinion that the present case is squarely covered by the

decision of this Court in State of U.P. and others Vs. Rajkumar Sharma and others (2006) 3 SCC 330 wherein para 7 reads as under:

"The stand of the appellant State before the High Court was that considering the peculiar circumstances the only relief granted by this court was relaxation in age for a period of 3 years whenever the selection is held. The Uttar Pradesh Hill Sub-Cadre Rules, 1992 (in short 'the 1992 Rules') were enacted for certain hill areas of the State of Uttar Pradesh as it stood before the reorganisation and the Rules were applicable in all districts of the hills, namely, Almora, Chamoli, Dehradun, Nainital, Pauri Garhwal, Pithoragarh, Tehri Garhwal, Uttarkashi and Udham Singh Nagar. All the said districts now stand included in the State of Uttaranchal. Therefore, the vacancies which were advertised for the hills could not be filled up as the said cadre stood abolished. Reliance has been placed by the High Court on office memorandums issued on 31.1.1994 and 15.12.1999 which did not have any application whatsoever."

5. In view of the aforesaid decision, the impugned order of the High Court is set aside. The appeals stand allowed with no order as to costs.