

Court No. - 1

Case :- SPECIAL APPEAL No. - 927 of 2007

Appellant :- State Of U.P. Thru Secy. Personal And 2 Ors.

Respondent :- Bihari Lal S/S 4216/2005

Counsel for Appellant :- Standing Counsel

Counsel for Respondent :- H.G.S. Parihar, Indra Mani Pandey, Mohsin Iqbal, Rajesh Singh Chauhan, Zubair Hasan

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. The judgement impugned herein this special appeal has already been complied with by the State in its entirety.
2. The respondent, who is the beneficiary of the judgment impugned herein is a Class-III employee. The only benefit which has been extended to the respondent employee is continuance in service up to the age of 60 years who otherwise would have retired at the age of 58 years.
3. The respondent has actually served the department during the extended period. Thus, we do not see any scope for recovery of the salary which was paid to the respondent for the work and duties performed by him.
4. That being so, the special appeal having lost its efficacy is accordingly **dismissed**.
5. It is made clear that we have not opined anything on the issue of the retiral age and the judgement shall not be read as a precedent.

Order Date :- 11.12.2023

kanhaiya