



2026:AHJ:55671

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 66311 of 2015

New Okhla Induatrial Development Authority And
Another

.....Petitioner(s)

Versus

The National Commission For Scheduled Castes And
4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ramendra Pratap Singh, Saurabh Sinha
Counsel for Respondent(s)	:	, Mithilesh Ch. Tripathi, S.C.

Court No. - 34

HON'BLE VIKRAM D. CHAUHAN, J.

1. Heard Sri Saurabh Sinha, learned counsel for the petitioners and Sri Mithilesh Chandra Tripathi, learned counsel for respondent nos. 2 and 3.

2. The writ petition is filed with the following prayers:-

"(a) call for the records of the case from the respondent nos. 1, 2 and 3 abovenamed;

(b) issue a writ, order or direction in the nature of certiorari or such other writ, order or direction as this Hon'ble Court may deem fit and proper, quashing the proceedings pending before the Respondent nos. 1, 2 and 3 on the basis of the complaint filed by the respondent no. 4 association i.e. on the basis of Annexure No. 5, in which proceedings the impugned order dated 16.11.2015 has also been passed;

(c) issue a writ order or direction in the nature of certiorari or such other writ, order or direction as this Hon'ble Court may deem fit and proper, quashing the impugned order dated 16.11.2015 which the respondent nos. 1 and 3 has passed in the proceedings initiated and pending before the Respondent nos. 1 on the basis of the complaint filed by the respondent no. 4 association.

(d) issue a writ, order or direction in the nature of mandamus or such other writ, order or direction as this Hon'ble Court may deem fit and proper declaring that repeated summoning of the head or Chief Executive Officer of the petitioner No. 1 and that too after submission of detailed and reasoned reply to the complaint/allegation made against the organization is neither justifiable nor warranted in law."

3. This Court on 8.12.2025 passed the following order :-

"1. Issue notice to respondents No. 1 to 5 returnable within next eight weeks.

2. List after eight weeks.

*3. On the matter being taken up today, It has been sought to be contended on behalf of the petitioners that Apex Court in the case of **U.P. Power Corporation Ltd. Vs. Rajesh Kumar, 2012 (7) SCC** proceeded to strike down Section 3(7) of U.P. Act No. 4 of 1994 and Rule 8-A of the 2007 Rules being ultra vires and categorical mandatory directive has been issued that any promotion that has been given on the dictum of Indra Sawhney and without the aid and assistance of Section 3(7) and Rule 8-A shall remain undisturbed.*

4. Petitioners submit that thereafter Contempt Petition had been filed for non-compliance of the aforementioned judgment of the Apex Court and the said Contempt Petition (C) No. 214 of 2013 had been entertained and the Apex Court has taken cognizance of the matter and therein as far as High Courts are concerned, accepted position is that during the pendency of the said Contempt Petition in questionÂ High Court has been restrained from entertaining any matter linked with Section 3(7) and 8-A of 2007 Rules.Â Petitioners are submitting before this Court that in the said Contempt Petition ultimately State Government has come up with the case that in all 20,807 personsÂ were required to be reverted, but in actuality 15,226 persons have been reverted and other 5,581 persons had not been reverted because some of them have died or retired or have resigned or dismissed from the service or allocated to the State of Uttarakhand. The Apex Court on being apprised of such a situation on 13th October, 2015 has proceeded to pass the following order :

"In pursuance of our earlier order dated 15th September, 2015, the Chief Secretary of the State of U.P., has filed an affidavit dated 8th October, 2015, stating that there has been full compliance of the judgment dated 27th April, 2014, passed in Civil Appeal No. 2608 of 2011 and other connected appeal.

Mr. Ravi Prakash Mehrotra, learned counsel appearing for the State of U.P., has drawn our attention to paragraphs 4, 5 and 6 of the said affidavit. They read as follows:

"4. That, following the said order dated 15.9.2015 passed by this Hon'ble Court in the present case, Government Orders dated 16.9.2015 and 22.9.2015 were issued by the Principal Secretary (Karmik) & the Chief Secretary respectively, directing all concerned government functionaries in the State to ensure that all reversions are completed in the State within the

stipulated time frame, in terms of Government Order dated 21.8.2015, which has already been placed on record in this Hon'ble Court in the affidavit filed by the deponent on 14.9.2015.

*5. That, pursuant to the exercise aforesaid, and in full compliance of the judgment rendered by the Hon'ble Supreme Court of India on 27.4.2012 in **U.P. Power Corporation Ltd. Vs. Rajesh Kumar and Others (2012) 7 SCC 1** and following the order passed in the instant Contempt Petition by this Hon'ble Court from time to time, a total of 15226 (11514+3712) employees in Groups A, B and C in various departments and organizations of the State Government, have been reverted.*

A copy of the Chart containing the numbers of the reverted employees in various departments and organizations, along with summary thereof, is filed herewith as Annexure A-1).

*6. That, it is thus manifest from the details of all reversions effected in the State, as contained in the said chart, that the directions contained in the judgment rendered by this Hon'ble Court in the **U.P. Power Corporation Ltd.** case (supra), have been fully complied with. The entire exercise in this regard by the State Government has been completed in terms of the said Government Order dated 21.8.2015.*

It is further stated that in the event any employee is aggrieved by an issue relating to his reversion, or in case of any grievance that a particular employee ought to have been reverted, following the judgment by this Hon'ble Court, such representations/complaints are proposed to be decided on top priority by the State Government."

On a perusal of the Chart, we find that the State Government has identified 20,807 persons, who were required to be reverted, but in actuality 15,226 persons have been reverted. The other 5581 persons have not been reverted because some of them have died or retired or have resigned or dismissed from the service or allocated to the State of Uttarakhand. As far as the death, retirement, dismissal and resignation are concerned, we do not take that into account. However, in respect of the persons allocated to the State of Uttarakhand, we do not express any opinion on the same in this proceeding.

Be it noted, it has been stated in the affidavit that if anyone is grieved by the order of reversion or in case of any grievance that a person ought to have been reverted, if raised, shall be decided on top priority by the State Government. We inquired from Mr. Mehrotra, learned counsel for the State that who would be the competent authority who will decide it, learned counsel has submitted that he has instructions to state that Principal Secretary, Department of Personnel, State of U.P., shall decide the same. If

anyone is grieved by the decision taken by the said authority, the said person is entitled to file an interlocutory application before this Court in the disposed of Civil Appeal No. 2608 of 2011 and connected appeals, so that suitable order can be passed. The purpose of stating so is that no other Court shall entertain the challenge to the grievance of any person.

We will be failing in our duty if we do not note another aspect before we close these contempt petitions. A number of writ petitions have been filed which have been listed today and they pertain to reversion. They call in question the validity of the order of reversion. They shall be dealt with independently when we address the writ petitions.

At this juncture, Mr. Ravi prakash Mehrotra, learned counsel for the State, has drawn our attention to paragraph 6(f) of the affidavit dated 12th September, 2015. The said paragraph reads as follows:

"On the vacancies which will be available as a result of aforesaid reversions, proceedings of promotion shall be conducted as per the amended seniority list."

The State Government is at liberty to proceed accordingly.

Needless to emphasize, our above said observation for granting liberty to the State will not be an impediment in adjudication of the writ petitions which have been filed before this Court.

The contemnors in the contempt petitions are discharged. The contempt petitions are, accordingly, disposed of. All the applications filed in the contempt petitions stand disposed of.

W.P. (C) No. 273/2015, W.P. (C) No. 652/2015, W.P. (C) No. 656/2015, W.P. (C) No. 638/2015, W.P. (C) No. 639/2015, W.P. (C) No. 725/2015, W.P. (C) No. 726/2015, W.P. (C) No. 727/2015, S.L.P. (C) No. 21918/2015 and S.L.P. (C) No. 24364/2015.

Let these matters be listed along with the record/paper-book of W.P. (C) No. 698 of 2015, on 3rd November, 2015."

5. Thereafter, as the order dated 13.10.2015 was impracticable to be complied with by a single individual, the said order in question has been modified on 24th November, 2015 in the following terms :

"Taken on Board.

It has been submitted by Mr. Ravi Prakash Mehrotra, learned counsel appearing for the State that a paragraph that occurs at page 5 of the order dated 13.10.2015 requires to be modified. The said paragraph reads as under :-

"Be it noted, it has been stated in the affidavit that if anyone is grieved by the order of reversion or in case of any grievance that a person ought to have been reverted, if raised, shall be decided on top priority by the State Government.

We inquired from Mr. Mehrotra, learned counsel for the State that who would be the competent authority who will decide it, learned counsel has submitted that he has instructions to state that Principal Secretary, Department of Personnel, State of U.P., shall decide the same. If anyone is grieved by the decision taken by the said authority, the said person is entitled to file an interlocutory application before this Court in the disposed of Civil Appeal No. 2608 of 2011 and connected appeals, so that suitable order can be passed. The purpose of stating so is that no other court shall entertain the challenge to the grievance of any person."

It is contended by Mr. Mehrotra that there are around one thousand representations/grievance petitions and a singular authority is not in a position to take the decision on the same. It is urged by him that instead of Principal Secretary, Department of Personnel, State of U.P., it may be substituted as Principal Secretary/Head of the Department in respect of employees of the State, and the Managing Director of the Corporations (Competent Authority/Appointing Authority) who shall decide the petitions in respect of the employees of the Corporation. The said prayer is accepted.

At this juncture, it is necessary to further add that anyone who shall make a representation mitigating its grievance, shall be afforded an opportunity of hearing and the concerned authority, as mentioned herein above, shall decide the same within a period of eight weeks from the date of receipt of the representation. The persons who have not submitted the representation mitigating their grievance, may submit the petitions/representations within four weeks hence. Anyone who is grieved by the decision of the competent authority, will be entitled to file an application in the disposed of Civil Appeal and other connected appeals, as has been mentioned in the earlier order.

We may hasten to add that the competent authority shall pass a reasoned order so that it can be appreciated by this Court.

Needless to emphasise that any representation which has to be decided, has to be in the light of the principles enshrined in U.P. Power Corporation Ltd. Vs. Rajesh Kumar & Others reported in (2012) 7 SCC 1. Needless to say, the

competent authority shall be guided by the principles of objectivity while passing the order.

The order dated 13.10.2015 is modified to the above extent."

6. Petitioners are contending that a perusal of the orders quoted above would go to show that reversion exercise in all eventuality in reference to an incumbent who has been promoted with aid and assistance of Section 3(7) and Rule 8-A of Rules has to be undertaken and in reference to 83 employees such a decision is required to be undertaken and after the decision had been taken by the authority concerned, then, such incumbents have been given authority to approach Apex Court by moving a Civil Misc. Application.

*7. The petitioners are contending before this Court that all the representations that have been sent to them shall be decided in the light of principles enshrined by the Apex Court in **U.P. Power Corporation Ltd.** case (supra). Petitioners' submission is that once a full fledged mechanism has been determined by the Apex Court that's at the first instance decision in question on the representations in question has to be taken by the Head of Department concerned and thereafter, in case, any one is aggrieved, then, his remedy lies in moving Misc. Application in disposed of civil appeal before Apex Court and then, there is no other Forum to look into such question. In the present case, petitioners' submission is that the Association concerned namely NOIDA SC and ST Karamchari Welfare Association has proceeded to approach the National Commission for Scheduled Castes, New Delhi making complaint on the same subject matter and the most surprising feature is that the National Commission for Scheduled Castes has proceeded to intervene in the matter whereas, as a matter of fact, all the representations regarding demotion/reversion has to be decided at the first instance by the petitioners and if on said representations decision is taken by the petitioners, then, at the second instance matter has to go before the Apex Court.*

8. The petitioners submit that they have already appeared before the Commission and have already communicated the Commission about the decision of Apex Court and the exercise that is required to be undertaken by them. It is being sought to be contended before this Court that without any authority of law in a service matter the National Commission of Scheduled Castes has proceeded to transgress and overstep its jurisdiction by mentioning that the Review Committee constituted for the purpose would decide all the representations related to the demotions and also advised not to take any further action. The petitioners submit that once entire exercise has been undertaken in compliance of direction of Apex Court, then, entertainment of any grievance on the said score by the Commission is not only impropriety on their part but also transgression and overstepping of jurisdiction. Prima facie, the argument advanced by the learned counsel for petitioners appears to have substance and requires adjudication by this

Court.

9. In view of this, the further proceedings before the National Commission for Scheduled Castes are directed to be kept abeyance till the next date of listing."

4. Learned counsel for the petitioners-Noida submits that in pursuance to the order of the Hon'ble Supreme Court proceedings for reversion and objection to the reversion proceedings are being considered as has been directed by order dated 13.10.2015 read with 24.11.2015 passed by the Hon'ble Supreme Court. Learned counsel for the petitioners further submits that the aforesaid issue was being considered in accordance with the mechanism provided by the order of the Hon'ble Supreme Court, however, the respondent-Commission has initiated proceedings in respect of matter of reversion and have passed an order not to take any further action in the matter and submit a report to the Commission.

5. Learned counsel for respondent nos. 2 and 3-Commission submits that respondent no. 4 has sent a representation to the Commission on which Commission has initiated proceedings. It is further submitted by learned counsel for the respondent-Commission that Commission is not intending to violate the order of the Hon'ble Supreme Court and the only endeavour of the Commission was that the order of the Hon'ble Supreme Court be complied in letter and spirit. He submits that insofar as direction not to take further action in the matter may not be proper in the present case as the Hon'ble Supreme Court has also directed the authorities to proceed as per the direction of the Hon'ble Supreme Court and to that extent the order is not sustainable. However, he submits that so far as calling for report and direction for finalization of the seniority list and the representation against the payment of the employees are concerned, the same was made to protect the interest of the employees who belong to Scheduled Castes and Scheduled Tribes category on the ground that the demotion/reversion of the employees and the finalization of the seniority list is required to be considered only after the objection to the reversion order is considered in accordance with the direction of the Hon'ble Supreme Court.

6. In view of the stand taken by the respondent-Commission, this Court is of the opinion that once the Hon'ble Supreme Court has proceeded to constitute a forum for consideration of the objections to the reversion then at this stage it may be proper that proceedings of the Commission are hereby put to an end. However, in respect of the direction of the Commission for consideration of the seniority list in pursuance to the order of the Hon'ble Supreme Court, this Court finds that the aforesaid direction is in the interest of the employees and the Commission has taken steps to protect the interest of the employees who belong to Scheduled Castes and Scheduled Tribes category and therefore the aforesaid direction in the impugned order to that extent, no interference is warranted. However, the Noida Authority would

be at liberty to proceed to complete the proceedings in compliance of the order of the Hon'ble Supreme Court and thereafter finalise the seniority list.

7. The writ petition is accordingly **allowed**.

March 18, 2026
VMA

(Vikram D. Chauhan,J.)