



2026:AHC-LKO:13892-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL DEFECTIVE No. - 351 of 2025

State of U.P. through its Principal Secretary,
Horticulture, Lucknow and 2 others

.....Appellant(s)

Versus

Deepu Yadav and 3 others

.....Respondent(s)

Counsel for Appellant(s)	:	Mohit Jauhari (S.C.)
Counsel for Respondent(s)	:	Mohd. Ateeq Khan

Chief Justice's Court

**HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE JASPREET SINGH, J.**

1. This appeal is directed against order 04.03.2025 passed in Writ-A No.2485 of 2025, whereby the writ petition filed by the respondents has been allowed and they have been held entitled to minimum of pay scale as applicable to the regular employees working on the said post.
2. The appeal is barred by 142 days.
3. An application seeking condonation of delay in filing the appeal has been filed, supported by affidavit of District Horticulture Officer, Sitapur, wherein it has been indicated that the order passed by learned Single Judge is erroneous. The order was passed on 04.03.2025. Legal opinion was sought which was delivered on 03.04.2024 and permission to file appeal was granted on 26.06.2025 and after getting the appeal prepared, the same has been filed on 22.08.2025.
4. Submissions have been made that matter needs to be heard on merits.
5. Counter affidavit has been filed contesting the submissions made in the application seeking condonation of delay.
6. In the overall facts and circumstances of the case, the application seeking condonation of delay in filing the appeal is allowed. The delay in filing the appeal is condoned.
7. Counsel for the appellants attempted to make submissions that learned Single Judge was not justified in directing payment of minimum of pay

scale as applicable to the regular employees working on the post. Submissions have been made that the respondents were engaged as casual labours and as such they were not entitled for the relief as granted.

8. Learned Single Judge, after hearing the parties, referring to judgment of Hon'ble Supreme Court in **Jaggo Vs. Union of India and others**: 2024 SCC OnLine SC 3826 and judgment of this Court in **Santosh Kumar Vs. State of U.P. and others** : Writ-A No. 9722 of 2023, against which Special Appeal Defective No. 597 of 2024 was dismissed, which matter dealt with the question whether those who worked on casual basis in the Nursery maintained by the appellants, would be entitled to grant of minimum pay scale, answered the said aspect in favour of the respondents.

9. In view of the fact that the order impugned has been passed by learned Single Judge with reference to a Division Bench judgment dealing with the issue sought to be raised in the present appeal, we do not find any reason to interfere with the order impugned.

10. The appeal has no substance, the same is therefore, **dismissed**.

(Jaspreet Singh, J) (Arun Bhansali, CJ)

February 20, 2026

Rakesh/AHA