

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos. OF 2025
[Arising out of SLP(CIVIL) No.20138 of 2025]

STATE OF U.P. & ORS.

... APPELLANTS

Versus

PAWAN KUMAR TOMAR

... RESPONDENT

O R D E R

1. Leave granted.

2. The State of Uttar Pradesh and its authorities have assailed the order dated 11.04.2025 whereby a Division Bench of the High Court of Judicature at Allahabad, has set aside the Government's order dated 06.09.2023 disengaging the respondent as a Government counsel and he has been ordered to be reinstated as the District Government Advocate (Revenue). Notice was issued to the respondent on 01.08.2025 and as per the office report, service is complete but he has not entered appearance.

3. The respondent was engaged as a District Government Advocate (Revenue) at Hathras initially on 26.09.2018. His term was further renewed on 23.02.2021 for a period of three years, which was to expire on 22.02.2024. The respondent, however, was allowed to continue further until he was relieved of the contractual assignment on 10.09.2024. The respondent thereafter approached the High Court by way of a writ petition, in which the impugned order has been passed.

4. It seems to us that the impugned order cannot be sustained for the singular reason that the engagement of the respondent as a Government counsel was purely a contractual assignment to avail professional services. The respondent has no right to continue after expiry of the engagement period. The competent authority in its wisdom did not want the respondent to continue as a Government counsel and consequently he was disengaged. In such circumstances, when there is no enforceable right vested with the respondent, the High Court ought not to have passed the impugned order for his reinstatement. The appeal is accordingly allowed. The impugned judgment of the High Court dated 11.04.2025 is set aside.

.....J.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

NEW DELHI;
SEPTEMBER 26, 2025.

ITEM NO.21

COURT NO.2

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 20138/2025

[Arising out of impugned judgment and order dated 11-04-2025 in Civil Misc. Writ Petition No. 10844/2025 passed by the High Court of Judicature at Allahabad]

STATE OF U.P. & ORS.

Petitioner(s)

VERSUS

PAWAN KUMAR TOMAR

Respondent(s)

(IA No. 173968/2025 - EXEMPTION FROM FILING O.T.)

Date : 26-09-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) : Mr. Sharan Thakur, AAG
Mr. Adarsh Upadhyay, AOR
Ms. Pallavi Kumari, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR

(Signed order is placed on the file)