

Court No. - 39

Case :- SPECIAL APPEAL No. - 696 of 2020

Appellant :- Shyam Singh (Naik) And 10 Others

Respondent :- State Of U.P. And 6 Others

Counsel for Appellant :- Jaswant Rai

Counsel for Respondent :- C.S.C.

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

1. Heard learned counsel for parties.
2. Present intra-court appeal is directed against the order of the learned single judge dated 21.9.2020 passed in Writ-A No. 7145 of 2020 (Shyam Singh (Nik) and 12 Others Vs. State of U.P. and 6 Others). By the said order, learned single judge deprived the petitioners-appellants of additional increment on completion of 19 years of service, reckoned from the date of initial joining.
3. It has been stated at bar that the controversy involved in the present intra-court appeal is no longer res integra. In Special Appeal No.180 of 2019 (Brij Nath Chawhan and 19 Others Vs. State of U.P. and 2 Others) and connected matters, a coordinate bench of this Court, of which one of us (Saumitra Dayal Singh, J.) was a member, has already allowed those appeal relying on an earlier coordinate bench decision of the Court in Special Appeal No. 172 of 2023 (State of U.P. and 6 Others Vs. Ram Jeet Tiwary and 6 Others). There, it was observed as below:

"8. It has been thus submitted that the petitioners, in the present case, having been appointed as Constable in the year 1989, they would remain entitled to one additional increment on completion of 19 years of satisfactory service. Reliance has also been placed on the Government Order dated 21 July 2011 providing for inclusion of period of training, in the length of satisfactory service.

9. On query made, learned Additional Chief Standing Counsel would fairly state, it cannot be denied that the case of the present petitioners is squarely covered by the decision in Special Appeal No. 172 of 2023 and other connected appeals.

10. In view of such statements made, we find the order of the learned single Judge cannot be sustained as that would be contrary to the decision of the division bench of this Court in Special Appeal No. 172 of 2023, State of U.P. and 6 Others v. Ram Jeet Tiwari and 6 Others along with three other connected intra court appeals.

11. Since we find ourselves in agreement with the above decision, the present appeal is allowed and the writ petitions are disposed of on the same terms including the observations made in paragraph 27 of the above noted decision of the division bench.

12. The appeal is allowed. "

4. Facts being similar, present appeal is **allowed** on the same terms, for the same reasons.

Order Date :- 6.12.2023

Faraz

(Shiv Shanker Prasad, J.) (S. D. Singh, J.)