

Court No. - 10

Case :- WRIT - A No. - 14022 of 2023

Petitioner :- Gajendra Kumar

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Vinod Kumar Pandey, Rajeew Mishra

Counsel for Respondent :- C.S.C., Brijesh Kumar Mishra, Tanisha Jahangir Monir

Hon'ble Kshitij Shailendra, J.

1. Heard Shri Aviral Pandey, learned counsel holding brief of Shri Vinod Kumar Pandey, learned counsel for the petitioner, learned Standing Counsel for respondent No. 1.

2. Notice on behalf of respondent No. 2 has been accepted by Shri Brijesh Kumar Mishra, learned counsel and on behalf of respondent No. 3 by Ms. Tanisha Jahangir Monir, learned counsel.

3. This writ petition has been filed claiming the following reliefs:

"(i) Issue a writ, order or direction in the nature of Mandamus commanding the respondent No. 2 to pay bond of basic pay of Rs. 42,300/- treating his service to be regularized with effect from 03.02.1992

(ii) Issue a writ, order or direction in the nature of Mandamus commanding and directing to the respondent No. 2 to decide the representation dated 13.03.2023 made by the petitioner."

4. Since there is a factual dispute with regard to the status of the service of the petitioner and the financial benefits are dependent upon the said status, the prayer No. 1 cannot be granted by this Court directly, however, considering the prayer No. 2, which is in relation to the representation dated 13.03.2023 moved by the petitioner, it appears that this representation is one of the various representations moved by the petitioner seeking certain financial benefits stating that he should be deemed to have been regularized in service.

5. Without expressing any opinion on the merits of claim of the petitioner, the writ petition is **disposed of** directing the respondent No. 2, Municipal Commissioner, Nagar Nigam, Ghaziabad to take

a decision on the petitioner's representation dated 13.03.2023 after due verification of record and after providing full opportunity of hearing to the petitioner, strictly in accordance with law **on or before 31.03.2024**, provided a certified copy of this order is produced before respondent No. 2 along with fresh application within a period of **two weeks from today**.

6. It is made clear that this Court has not examined the merits of the service status of the petitioner and it is for the respondent No. 2 to take a decision thereon as already directed as regards his entitlement to receive certain benefits as claimed by him.

Order Date :- 2.11.2023

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