

Court No. - 35

Case :- WRIT - A No. - 61213 of 2017

Petitioner :- Dr. Gopal Ji Pandey

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Om Prakash Pandey, Avneesh Tripathi, Raghwendra Prasad Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Raghwendra Prasad Mishra, learned counsel for the writ petitioner and Sri H.K. Shukla, learned counsel who appears for the respondents no. 1 to 4.

Though the relief sought for the present writ petition is for quashing of the communications dated 2.5.2017 and 1.6.2017 issued by the respondents no. 3 and 4 however the writ petitioner submits that they are basically not an orders but they are communications and pension payment order (P.P.O.). He thus on his instructions is not pressing the said reliefs and confines his reliefs for disposal of the representations.

As per the writ petitioner he was appointed on 16.8.1995 as a Part Time Medical Officer and he joined the post on 18.8.1987. He was made ad hoc Medical Officer (Ayurvedic)/Homeopathic on 28.2.1992 and his services stood regularised on 25.9.2009 w.e.f. 16.3.2005 and he superannuated on 31.12.2016 post completion of 24 years, 9 months and 4 days of service though the writ petitioner is getting pension but it is being completing from date of regularisation on 16.3.2005 and not from the date when he was appointed on ad hoc basis i.e. 28.2.1992 thus he claims that the services undergone on ad hoc basis be included for the purposes of payment of pension.

Learned Standing Counsel who appears for the respondents submits that once the writ petitioner is only seeking relief for disposal of his claim in the shape of a representation then he has no objection to the same. He does not propose to any response to the writ petition as he was granted time on 19.12.2017.

Considering the submissions of the rival parties and stand taken by them as well as the relief so confined that the learned counsel for the writ petitioner as per the instructions received by this clients liberty is accorded to the writ petitioner to represent before the Principal Secretary (Ayush) U.P. at

Lucknow who shall on receipt of the representation proceed to decide the entitlement of the writ petitioner for inclusion of the services on ad hoc basis within a period of three months from the date of production of the certified copy of this order. In case the matter needs to be decided by any other authority then the papers be transmitted to it.

The order passed today may not be construed to be an expression on the merits.

With the aforesaid observations, the writ petition stands **disposed off**.

Order Date :- 23.11.2023

piyush