

Court No. - 34

Case :- WRIT - A No. - 16921 of 2023

Petitioner :- Dr. Harishchandra Pandey

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

Counsel for Petitioner :- Raghwendra Prasad
Mishra, Avneesh Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar, J.

1. Heard Sri R.P. Mishra, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

2. Petitioner who was posted in Government Ayurvedic Hospital, Aarya Bazar, Ambedkar Nagar and retired from service on 31.10.2021, has not been accorded his pensionary benefits. It is submitted by learned counsel for the petitioner that he was initially appointed in the year 1988 and his services were on ad hoc basis, but later on he has come to be regularized in the year 2005.

3. Learned counsel for the petitioner has relied upon the latest judgment of Hon'ble the Apex Court in the case of ***Prem Singh and others Vs. State of U.P. and others (2019) 10 SCC 516*** in which it has been held that services earlier rendered in temporary/*ad hoc* capacity or even as work-charged, would be counted towards qualifying service for pension. Thus, the petitioner claims that his service period prior to regularization deserves to be counted towards pension. Learned counsel for the petitioner has further relied upon the judgment of this Court in Writ-A No.14203 of 2019 filed by one Dr. Om Prakash and another, who were also medical officers working in the Ayurvedic College, which was disposed of by this Court vide judgment and order dated 17.09.2019.

4. Learned Standing Counsel does not dispute the above factual and legal position.

5. In view of the above, this writ petition also stands ***disposed of*** with a direction to respondent no.1 to consider the claim of the petitioner for pensionary benefits by treating

earlier services rendered by the petitioner prior to 2005 as a qualifying service for the purposes of pension in the light of the judgment of the Hon'ble the Apex Court in the case of Prem Singh and others (*supra*) and the judgment of this Court in Writ-A No.14203 of 2019. An appropriate decision shall also be taken by the authorities with due application of mind by passing a reasoned and speaking order within a period of three months from the date of production of copy of this order.

Order Date :- 16.10.2023

Deepika