

Court No. - 34

Case :- WRIT - A No. - 16743 of 2023

Petitioner :- Bharat Bhushan

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Krishna Mohan Ojha

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

1. By means of this petition filed under Article 226 of the Constitution of India, the petitioner claims that instead of inviting any objection and giving the petitioner opportunity of hearing as was ordered by Supreme Court on 02.05.2023 in a Bunch of Civil Appeals leading being Civil Appeal No.844 of 2018, respondent authority has passed order for refixation of pay and further consequential recovery of any excess payment made under the order impugned.

2. It is submitted that the petitioner has represented the case before the authority on 21.08.2023 serving copy thereof duly in the office of Superintendent Engineer through proper channel. He submits that the matter may be directed to be disposed of before acting upon the order impugned.

3. Learned Standing Counsel submits that the order dated 26.06.2023 has already been acted upon.

4. Since the Supreme Court has directed the State of Uttar Pradesh to consider the grievance of such employee at the time of refixation, it is hereby provided that petitioner shall be making fresh representation to the State Government within a period of two weeks from today against the order dated 26.06.2023 and the State Government shall be deciding the representation dated 21.08.2023 strictly in accordance with law within a further period of thirty days.

5. It is made clear that no recovery shall be pursued under the order impugned dated 26.06.2023 prior to taking of the decision by the State Government as directed hereinabove.

6. The order dated 26.06.2023 shall abide by the result of the decision to be taken by the State Government as directed hereinabove.

7. Petition thus stands ***disposed of*** with the aforesaid observations and directions.

Order Date :- 12.10.2023/Deepika