Court No. - 36

Case :- WRIT - A No. - 17109 of 2023

Petitioner :- Lakhichand Ram
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Dewesh Kumar Tiwari
Counsel for Respondent :- C.S.C.,Sanjay Kumar Singh

Hon'ble Manjive Shukla,J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondent No. 1 as well as Sri Sanjay Kumar Singh, learned counsel appearing for the Respondents No. 2, 3 & 4.

2.Petitioner through this writ petition has challenged the order dated 7.6.2023 passed by the Finance & Accounts Officer, Basic Education, District Ballia, whereby representation of the petitioner for grant of the financial upgradations has been considered and rejected.

3. An identical writ petition i.e. Writ-A No. 12759 of 2023 was heard by this court on different dates and thereafter this court passed an order on 18.9.2023, which is extracted as under:-

"1. Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the Respondent No. 1 as well as Mr. Sanjay Kumar Singh, learned counsel appearing for the Respondents No. 2 & 3.

2. Petitioner while working on the post of Headmaster in Senior Basic School, Kunwar Jasanwan Dubhad, District Ballia, after attaining the age of superannuation has retired from service on 31.03.2016. Learned counsel appearing for the petitioner has submitted that the petitioner has been granted selection grade on completion of 10 years of service but he has not been granted other financial upgradations admissible to him on completion of 12 years of service and 22 years of service. This court heard this matter on 28.08.2023 and passed the following order :-

"1. Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the Respondent No. 1 as well as Mr. Sanjay Kumar Singh, learned counsel appearing for the Respondents No. 2, 3 & 4.

2. Petitioner through this writ petition has challenged order dated 07.06.2023 passed by the Finance and Accounts Officer, Basic Education, Ballia, whereby the claim of the petitioner for grant of selection grade has been rejected on the ground that a committee has submitted report on 13.11.2018, wherein it has been mentioned that the seniority list of the post of Head Master has not been prepared as per the provisions of the relevant government order.

3. Learned counsel appearing for the petitioner has invited attention of this court towards a list prepared by the District Basic Education Officer, Ballia, on 31.10.2019, which is contained in Annexure No. 3 to the writ petition, and it has been submitted that various teachers junior to the petitioner whose names are mentioned in the said list have already been granted the selection grade, whereas though petitioner's name is mentioned in the said list but his case has wrongly been rejected, which amounts to discrimination by the respondents.

4. I have considered the submissions advanced by the learned counsel appearing for the petitioner and prima facie, I find force in his argument.

5. Let Mr. Sanjay Kumar Singh, learned counsel appearing for the Respondents No. 2, 3 & 4 take categorical instructions from Respondents No. 2, 3 & 4 as to under what circumstances, claim of the petitioner for grant of selection grade has not been considered till date.

6. List this matter on 11.09.2023 as fresh"

3. Today Mr. S.K. Singh, learned counsel appearing for the Respondents No. 2 & 3 has produced before this court instructions provided by the District Basic Education Officer, Ballia, through his letter dated 06.09.2023. I find that along with the aforesaid letter dated 06.09.2023, an order dated 31.10.2019 has been annexed wherein at serial no. 130 name of the petitioner finds place and in the columns, it has been provided that the petitioner has been sanctioned selection grade w.e.f. 15.01.1992, next financial upgradation on completion of 12 years in the selection grade on 15.01.2004 and next financial upgradation on completion of 22 years of service on 15.01.2004.

4. Learned counsel appearing for the petitioner has submitted that the petitioner has only been granted selection grade on completion of 10 years of service. Next financial upgradations provided in the order dated 31.10.2019 have not been granted till date and therefore, petitioner is entitled for payment of arrears of salary as well as for revision of his pensionary benefits.

5. Mr. S.K. Singh, learned counsel appearing for the Respondents No. 2 & 3 though tried to read out something from the instructions that the petitioner has been granted the benefits claimed by him but the instructions are absolutely vague and confusing.

6. In the aforesaid circumstances, let the Respondents No. 2 & 3 appear before this court along with the complete record of the matter to assist the court in respect of the claim of the petitioner.

7. List this matter on 27.09.2023 as fresh."

4. Thereafter in Writ-A No. 12759 of 2023, the District Basic Education Officer and the Finance and Accounts Officer (Basic Education) District Ballia appeared before this court on 27.9.2023. After hearing both the officers, this court passed the following order:-

"1. In compliance of this court's order dated 18.09.2023, Sri Manish Kumar Singh, District Basic Education Officer, Ballia and Sri Markandey Lal, Finance and Accounts Officer, Basic Education, District Ballia are present before this Court.

2. There appears to be little confusion between two officers in respect of the date of grant of promotion to the petitioner on the post of Headmaster.

3. Both the officers pray that they may be granted three days' time to sit together and sort out the confusion.

4. In view of the aforesaid prayer made by the officers, put up this case on 09.10.2023 as fresh to enable the officers to submit a report to this court in respect of the entitlement of the petitioner.

5. Appearance of the officers present today is exempted only for the next date. "

5. Today Sri Sanjay Kumar Singh, learned counsel appearing for the Respondents No. 2, 3 & 4 has produced before this court order dated 5.10.2023 issued under the joint signatures of the District Basic Education Officer, Ballia and the Finance and Accounts Officer (Basic Education) District Ballia, whereby petitioner has been granted required financial upgradations in his salary.

6. Learned counsel appearing for the petitioner has admitted the passing of the aforesaid order dated 11.10.2023, whereby petitioner has been granted admissible financial upgradations w.e.f. the different dates.

7. Learned counsel appearing for the petitioner has submitted that requisite order for grant of financial upgradations w.e.f. different dates has been passed therefore now petitioner is liable to be paid arrears of salary in terms of aforesaid order dated 11.10.2023 and his pension is also liable to be revised accordingly.

8. Sri Sanjay Kumar Singh, learned counsel appearing for the Respondents No. 2, 3 & 4 has submitted that the consequential benefits in terms of order dated 11.10.2023 shall be provided to the petitioner within three months.

9. In view of the aforesaid submissions advanced by the learned counsels appearing for the parties, this Writ Petition is finally disposed of with a direction to the Respondents No. 2 and 3 to provide all consequential benefits to the petitioner in terms of the order dated 11.10.2023 within a period of three months from the date of presentation of certified copy of this order.

Order Date :- 8.11.2023
Sachin

Digitally signed by :-
SACHIN TIWARI
High Court of Judicature at Allahabad