

Court No. - 35

Case :- WRIT - A No. - 17274 of 2023

Petitioner :- Vinod Kumar Pandey

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

Counsel for Petitioner :- Ashok Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. Heard Sri Ashok Kumar Pandey, learned counsel for the writ petitioner as well as Sri Santosh Kumar Mishra learned Standing Counsel who appears for respondents No. 1 to 2.
2. In view of the order which is being proposed to be passed, notice is not being issued to the third respondent.
3. The case of the writ petitioner is that consequent to the promotion of one Dr. Ram Harsh Gupta on the post of Principal the post of Lecturer (Commerce) fell vacant and the writ petitioner claims to have been subjected to selection and he was accorded appointment, however, when he was not being paid salary to the monetary benefits, he preferred Writ Petition No. 1493 of 1999 (Shashi Dhar Shukla & Others Vs. State of U.P.) which came to be disposed of on 03.02.1999 directing the respondents to take appropriate action. The learned counsel for the writ petitioner seeks to rely upon Annexure 6 at page 49A, a communication of the Assistant Director, Higher Education on behalf of Director, Higher Education, Prayagraj, U.P. requiring the Regional Higher Education Officer to take decision in this regard. According to the writ petitioner though he is getting honorarium but is not being paid regular salary.
4. Prayer in the present petition is for payment of regular salary to the writ petitioner.
5. Sri Santosh Kumar Mishra, learned Standing Counsel, on the other hand, submits that the issue which the writ petitioner seeks to raise needs determination by the second respondent, Regional Officer (Higher Education), Directorate, Varanasi who shall take

appropriate decision in that regard.

6. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of granting liberty to the writ petitioner to approach the second respondent, Regional Officer (Higher Education), Directorate, Varanasi by filing a comprehensive representation along with self attested copy of the writ petition and on the receipt of the same the second respondent shall decide the entitlement of the writ petitioner strictly in accordance with law after putting to notice the third respondent within a period of two months from the date of production of certified copy of the order. If the second respondent is of the opinion that the matter needs to be decided by any other authority then the papers be transmitted to it.

7. Passing of this order may not be construed to be an expression that this Court has adjudicated on the merits of the matter.

Order Date :- 20.11.2023

Rajesh