

Court No. - 35

Case :- WRIT - A No. - 17799 of 2023

Petitioner :- Arun Kumar Tripathi And 5 Others

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- S.R. Pandey

Counsel for Respondent :- C.S.C.,A.K.S.Parihar

Hon'ble Vikas Budhwar,J.

Heard Sri S.R. Pandey, learned counsel for the writ petitioners who are six in number and Sri Gaya Prasad, learned Standing Counsel, who appears for Respondent Nos. 1 to 4, 6 and 7. Notices on behalf of respondent No. 5 is accepted by Shri A.K.S. Parihar.

In view of the order, which is being proposed to be passed today, notices are not being issued to the 8th respondent.

The case of the writ petitioners are that pursuant to an advertisement No. 2 of 2001, advertisement No. 01 of 2002 and advertisement No. 01 of 2004 published by the U.P. Secondary Education Service Selection Board, Prayagraj (Allahabad) and recruitment exercise was undertaken for filling up the post of lecturer PGT, the writ petitioners claim to have been subjected to selection prior to the cut off date 01.04.2005, pursuant to the Government order dated 28.03.2005 introducing the new pension scheme, the writ petitioners claim that they had been selected prior to the said cut off date but the appointment orders were issued subsequently, according to them they are entitled to be considered under the old pension scheme and not new pension scheme. Learned counsel for the writ petitioners relied upon the judgment in Writ A No. 16474 of 2023 (Ravendra Prasad Vs. State of U.P. and 5 others) decided on 10.10.2023, Writ A No. 18197 of 2021

(U.P. Lekhpal Sangh Through Its Treasurer Vinod Kumar Kashyap Vs. State Of U.P. And 7 Others), decided on 26.10.2023 and Writ A No. 67274 of 2015 (Nirupama Malviya Vs. State Of U.P. And 5 Others) decided on 19.10.2023.

Shri S.R. Pandey submits that let the third respondent, Director Pension Anubhag, Secretariat Lucknow, Directorate, Lucknow take a final decision in that regard.

Shri Gaya Prasad, learned Standing Counsel who appears for the official respondents submits that let the writ petitioners represent their cause before the third respondent who shall address to the claim of the writ petitioners. He further submits that he does not propose to file any response.

To such a submission, learned counsel for the petitioner has no objection and he gracefully accepts the same.

Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the third respondent, who shall on the receipt of the same, put to notice the eight respondent, proceed to decide the claim of the petitioners, strictly in accordance with law within a period of three months from the date of presentation of the certified copy of the order, bearing in mind, the law as applicable on land. In case, the third respondent is of the opinion that the matter needs to be decided by any authority, when the papers be transmitted to the said authority with due communication to the writ petitioner and the eight respondent.

Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

With the aforesaid observation, the writ petition is **disposed off**.

Order Date :- 20.11.2023

A. Prajapati