

Court No. - 35

Case :- WRIT - A No. - 17948 of 2023

Petitioner :- Narendra Kumar

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Kamal Kumar Keshewani

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. Heard Sri Kamal Kumar Keshewani, learned counsel for the writ petitioner and Sri Ratan Deep Mishra, learned Standing Counsel who appears for all the respondents.

2. The case of the writ petitioner is that owing to non-grant of one increment which became due on 01.07.2009, he preferred Writ A No. 9428 of 2023 which came to be decided on 26.05.2023 while passing the following orders.-

"Heard Sri Kamal Kumar Keshewani, learned counsel for the petitioner as well as learned Standing Counsel.

Petitioner wants one increment which had become due to him from 01.07.2009 to his pay scale. He has drawn attention of the Court towards the letter of Deputy Director of Education/ Principal, District Institute of Educational Training (DIET), Siddharthnagar dated 10.09.2021 wherein it has come to be accepted that petitioner's one annual income had become due on 01.07.2009 which ought to have been paid to him. Accordingly, he made representation in that respect to the Secretary, Examination Regulatory Authority, U.P., Prayagraj who happens to be the competent authority in the matter.

Learned Standing Counsel does not have any objection in the event this petition stands disposed of with a direction to the respondent no. 5 to look into and consider the grievance of the petitioner and pass appropriate order strictly in accordance with law.

In view of the above, this petition stands disposed of with a direction that respondent no. 5 shall consider the grievance of the petitioner raised in his representation and decide the same within a period of three months from the date of receipt of certified copy of this order. It is provided that in case petitioner is found entitled to the said increment as had become due from 01.07.2009, the same shall be paid to him and accordingly his pay scale shall be revised without any undue delay."

3. Thereafter, according to the writ petitioner, the Secretary, Examination Regulatory Authority, U.P., Prayagraj proceeded to pass an order whereby the issued with regard to determination of

the said benefits was referred to the competent authority on 10.08.2023. As per the writ petitioner, there happens to be a direction dated 10.08.2023 but till date no follow-up action has been taken. He further submits that it is the seventh respondent, Principal, District Institute of Education and Training, District Siddharth Nagar who has to take call in that regard.

4. Prayer in the present petition is for a direction to the seventh respondent, Principal, District Institute of Education and Training, District Siddharth Nagar to take appropriate decision within the time stipulated by this Court.

5. Sri Ratan Deep Mishra, learned Standing Counsel who appears for all the respondents submits that be that as it may on 10.08.2023 that the fifth respondent, Secretary, Examination Regulatory Authority, U.P., Prayagraj has required the competent authority to take decision, thus, if it is the case of the writ petitioner that the respondent is to take decision then a direction be issued to it to decide the same, he further submits that he does not propose to file any response to the writ petition.

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

7. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of without seeking any response from the respondents granting liberty to the writ petitioner to prefer comprehensive representation along with the self attested copy of the writ petition before the seventh respondent, Principal, District Institute of Education and Training, District Siddharth Nagar who shall on the receipt of the same consider the claim of the writ petitioner in the light of the order dated 10.08.2003 of the fifth respondent if it is in existence and decide the claim of the writ petitioner within a period of two months from the date of production of the certified copy of the order.

8. With the aforesaid observations, the writ petition stands disposed of.

9. 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 :- 26.10.2023

Rajesh