

Court No. - 36

Case :- WRIT - A No. - 18353 of 2023

Petitioner :- Siyaram

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

Counsel for Petitioner :- Anurag Shukla

Counsel for Respondent :- C.S.C., Shashi Kant Srivastava

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No.1 and 2 and Sri Shashi Kant Srivastava, learned counsel appearing for the Respondents No.3, 4 and 5.

2. Petitioner has filed this writ petition *inter-alia* praying therein for the following reliefs:-

"I. Issue, a writ, order or direction in the nature of mandamus to command Basic Shiksha Adhikari, District Pilibhit (Respondent No. 4) to extend the benefit of Judgment and Order dated 19.08.2017 passed by this Hon'ble Court in Civil Misc. Writ Petition No. 33360 of 2017 (Angad Yadav and 7 Others Vs. State of Uttar Pradesh and Others) in favour of the petitioner.

II. Issue, a writ, order or direction in the nature of mandamus to command Basic Shiksha Adhikari, District Pilibhit (Respondent No. 4) to take immediate steps for releasing arrears of salary in favour of Petitioner for the period 1st July, 2015 up till 26.10.2015 (date of rejoining) within a specific period as may be directed by this Hon'ble Court.. C

III. Issue, a writ, order or direction in the nature of mandamus to command Basic Shiksha Adhikari, District Pilibhit (Respondent No. 4) to grant the benefit of Annual Increment due in July, 2015; benefit of 7th Pay Commission due in January, 2016 and Bonus for the year 2015-16 in favour of Petitioner within a specific period as may be directed by this Hon'ble Court.

IV. Issue, a writ, order or direction in the nature of mandamus to command Basic Shiksha Adhikari, District Pilibhit (Respondent No. 4) to take immediate steps to consider and decide the representation dated 10.05.2023 (Annexure No. 11 to the writ petition) within a specific period as may be directed by this Hon'ble Court."

3. Facts of the case, in brief, are that petitioner was working on the post of Head Master in Primary School Baldevpur Pareva, Block Barkheda, District Pilibhit and was due to retire on 30.6.2015. State Government by issuing a Government order changed the academic session and provided that henceforth the academic session will come to an end on 31st of March of concerned year. Since the academic session was changed, therefore petitioner was not allowed to work after 30.6.2015. Later on, in view of various orders passed by this court, the District Basic Education Officer, Pilibhit passed order on 19.10.2015, whereby petitioner was permitted to re-join his services and pursuant to the said order, he joined on 26.10.2015

and continued to work till 31.3.2016.

4. Grievance of the petitioner is that petitioner has not been paid salary for the period from 1.7.2015 till 26.10.2015. Learned counsel appearing for the petitioner has invited attention of this court towards judgment and order dated **19.8.2017** rendered by coordinate Bench of this court in **Writ-A No.33360 of 2017, Angad Yadav and others vs. State of U.P. and others**, wherein it has been held that even if petitioner has not worked for some period and later on he was allowed to re-join the services and was allowed to remain in service till end of mid academic session, he is entitled for salary of complete year. Learned counsel appearing for the petitioner has argued that once issue involved in this writ petition has already been settled, therefore petitioner is also entitled for the benefit of judgment and order dated 19.8.2017 rendered by coordinate Bench of this court in Writ-A No.33360 of 2017.

5. I have considered the submissions advanced by the learned counsel appearing for the petitioner and I find that issue involved in this writ petition has already been considered and decided vide judgment and order dated 19.8.2017 rendered by co-ordinate Bench of this court in Writ-A No.33360 of 2017. Once the issue involved in this writ petition has already been settled, petitioner is also entitled for benefit of the said judgment and order passed by this court.

6. In view of the aforesaid reasons, this writ petition is finally disposed of with liberty to petitioner to file a fresh representation before the District Basic Education Officer, Pilibhit within three weeks from today and if such representation is filed, Respondent No.4 is directed to consider and decide the petitioner's representation strictly in terms of the judgment and order dated 19.8.2017 rendered by this court in Writ-A No.33360 of 2017, Angad Yadav and others vs. State of U.P. and others, within a period of two months thereafter.

Order Date :- 2.12.2023

Salim