

Court No. - 34

Case :- WRIT - A No. - 18396 of 2023

Petitioner :- Dr. Awnish Kumar Rai And 45 Others

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

Counsel for Petitioner :- Raghwendra Prasad Mishra, Avneesh Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

The argument advanced by learned counsel for the petitioners is that petitioners, who are retired as Medical Officer Ayurved, are entitled to benefit of special Assured Career Progression Scheme (SACP) in the light of the Government order dated 14th November, 2014 by which the Apathic doctors have been benefited with SACP scheme.

It is contended that Division Bench of this Court in the case of State of U.P. and another v. Dr. Satya Pal Singh in Special Appeal Defective No.- 272 of 2022 affirmed the judgment of learned Single Judge passed in Writ – A No.- 8366 of 2017 (Dr. Om Prakash Gupta and another v. State of U.P. and another) in which following direction is issued in its operative part:

"The impugned order dated 28.02.2017, passed by the first respondent, Principal Secretary, Department of Finance, Civil Secretariat, Lucknow, is set aside and quashed. It is provided that the Special ACP Scheme (SACP) implemented vide Government Order dated 14 November 2014, shall be applicable to the Medical Officers of other streams."

It is stated that special leave petition (Civil) Diary No.- 39161 of 2023 came to be dismissed by Supreme Court very recently vide order dated 3rd October, 2023 and in the meanwhile State Government has issued a Government notification to confer the benefits to the Medical Officers of other stream under the Government order dated 14th November, 2014, however, any such benefit would abide by the result of the Review Petition No.- 1472 of 2023 which is still consideration in Supreme Court in respect of the Special Diary No.- 39161 of 2023.

Learned counsel for the petitioner submits that one of the petitioners has made representation and others also will make representation and respondents may be directed to examine the

same in the light of the above discussed law.

Learned Additional Chief Standing Counsel submits that matter may be directed to be examined at the first instance by the respondent No.- 2 as it may involve various questions of fact as to the date of appointment, completion of period etc.

In view of the above, this petition stands disposed of with a direction that in the event petitioners prefer their individual representations within a period four weeks from today the same shall be considered and disposed of in the light of the authority cited and referred to hereinabove and further in accordance with law, as expeditiously as possible preferably within a further period of three months.

Needless to add, the order to be passed by the authority concerned, shall be reasoned and speaking one.

Order Date :- 2.11.2023

Atmesh