

Court No. - 34

Case :- WRIT - A No. - 18297 of 2023

Petitioner :- Awdhesh Kumar And 9 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Nikhilesh Kumar Chaudhary, Deepak Kumar Tripathi

Counsel for Respondent :- C.S.C

Hon'ble Ajit Kumar, J.

The petitioner who is working as Mate in the Irrigation Department had prayed for following relief as substantial relief in the writ petition:

"1. Issue a writ order or direction in the nature of mandamus directing the respondents to grant sanction upgrading the petitioners' grade pay from Rs. 188/- to Rs. 1900/- w.e.f. 16.11.2011 when the Mates of PWD and other departments were extended the benefits of grade pay of Rs. 1900/-"

It is argued on behalf of the petitioner that the controversy involved in the present case is no more *res integra* in view of the judgment of coordinate bench of this Court in the case of Sushil Kumar Gautam and 16 Others v. State of U.P. and 2 Others passed in Writ A No.20277 of 2019, decided on 2.8.2021, later on affirmed in special appeal vide order dated 31st March, 2023 being Special Appeal No. 288 of 2022 as said special appeal came to be dismissed.

Per contra, it is argued by learned Additional Chief Standing Counsel that the controversy is not the same as alleged and matter of the petitioner is required to be examined independent of the judgments cited before this Court.

Be that as it may, since the controversy is factual in nature regarding claim set up by the petitioner, it is hereby provided that in the event the petitioner approaches before the competent authority, namely, respondent no. 1 by means of representation within a period of four weeks today, the same shall be disposed of on its own merits by means of reasoned and speaking order as expeditiously as possible preferably within a period of next three months.

Order Date :- 1.11.2023

Sanjeev