

Court No. - 35

Case :- WRIT - A No. - 19154 of 2023

Petitioner :- Shri Asrar Ahmad And Another

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

Counsel for Petitioner :- Shailesh Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Shailesh Pandey, learned counsel for the writ petitioners as well as Sri Awadhesh Kumar Mishra, learned Standing Counsel, who appears for respondents 1, 2 and 3.

In view of the order, which is being proposed to be passed today, notices are not being issued to the fourth and fifth respondents.

The writ petitioners claim to have been selected on 26.2.2005 on the post of Assistant Accountant and Junior Clerk pursuant to the advertisement published therein and appointment order was issued on 18.7.2005 and they were accorded joining on 21.7.2005. The writ petitioners claim that they are entitled to be considered under the Old Pension Scheme that is not under the New Pension Scheme which has come into effect on 1.4.2005 pursuant to the Government Order dated 28.3.2005.

Learned Standing Counsel on the other hand submits that the issues with the writ petitioners seek to raise needs determination at the first instance by the third respondent Director of Higher Education U.P. at Prayagraj and the writ petitioners may represent his cause before the said authority.

Considering the submissions of the rival parties as well as 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 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 to the fourth and the fifth respondents and thereafter 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 in the light of the judgement in the **Writ-A No.67274 of 2015, Nirupama Malviya vs. State of U.P.**

and five others decided on 19.10.2023 and **Writ-A No.18197 of 2021, U.P. Lekhpal Singh vs. State of U.P. and 7 others** decided on 26.10.2023 after putting to notice to the fourth 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 of**.

Order Date :- 2.12.2023

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