

Court No. - 35

Case :- WRIT - A No. - 19541 of 2023

Petitioner :- Dr. Parshu Ram Maurya And 32 Others

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

Counsel for Petitioner :- Ashish Kumar Srivastava, Sunil

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Shri Ashish Kumar Srivastava along with Shri Sunil, learned counsel for the writ petitioners who are 33 in number as well as Shri Gaya Prasad, learned Standing Counsel for the respondents.

The case of the writ petitioners as encapsuled in para 7 of the writ petition is that they were appointed on various dates and they stood retired after completion of satisfactory services. The writ petitioners claim that they are entitled to the grant of one notional increment from the period from 1st July to 30th June for the purposes of pension and other ancilliary pensionary benefits and refixation of pension along with arrears etc. Reliance has been placed upon the decision in the case of The Director (Admn. And HR) KPTICL & Ors. Vs. C.P. Mundinamani & Ors. 2023 0 Supreme (SC) 342 so as to buttress the said contention.

Shri Gaya Prasad, learned Standing Counsel who appears for the respondents on the other hand submits that the issues with the writ petitioners seeks to raise needs determination at the first instance by the Director of Higher Education U.P. Prayagraj. Let the writ petitioners approach the fourth respondent who shall decide the claim of the writ petitioners strictly in accordance with law. He further submits that he does not propose to file any response.

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

Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off 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 fourth respondent, who shall on the receipt of the same, bearing in mind

that the writ petitioners claims to be possessed of a judgement and they are retired incumbents decide the claim of the writ petitioners. The said exercise is to be undertaken within a period of three months from the date of presentation of the certified copy of the order.

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 off**.

Order Date :- 2.12.2023

A. Prajapati