

Court No. - 34

Case :- WRIT - A No. - 19468 of 2023

Petitioner :- Ram Niranjana

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

Counsel for Petitioner :- Bijendra Kumar Mishra, Alok Chaturvedi

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar, J.

1. Heard learned counsel for the parties.

2. Petitioner was initially working in the Forest Department on daily wage basis since July, 1986 and thereafter his services came to be regularised on 03.01.2019. However, he submits that as per retirement notice, there is no whisper as to whether petitioner would be accorded pension under the Old Pension Scheme or not. He submits that his case stands covered by various judgments of Supreme Court as well of this Court and the recent one in the case of *Akbal Singh vs. State of UP & ors passed by this Court in Writ-A No.13376 of 2023 dated 20.11.2023*.

4. Learned Standing Counsel submits that until and unless the claim of the petitioner is rejected, he cannot have any cause of action.

5. Be that as it may, since the petitioner is going to attain the age of superannuation on 31.12.2023 and has been served with the retirement notice/order in that respect, it is hereby provided that in the event he makes a representation with regard to his claim for pension under the Old Pension Scheme and if he does so within two weeks from today, the same shall be accorded due consideration and shall be disposed of in light of the law laid down by the Supreme Court and discussed in *Akbal Singh's* case (*supra*).

6. The appropriate decision shall be taken by the authority before the petitioner is finally made to retire.

Order Date :- 23.11.2023

P Kesari