

Court No. - 35

Case :- WRIT - A No. - 19441 of 2023

Petitioner :- Pooran Singh And 16 Others

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

Counsel for Petitioner :- Ram Krishna Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Ram Krishna Yadav, learned counsel for the petitioners, who are 17 in number and Sri Shailendra Singh, the learned Standing Counsel, who appears for the Respondents.

The case of the writ petitioners is that the petitioner nos. 1 to 3 have been appointed as Assistant Teachers in Shri Dayanand Saraswati Sadhana Mandir, Inter College, Jajumai, Firozabad on 10.07.1973, petitioner no. 4 was appointed as Assistant Teacher in Kisan Uchchattar madhyamik Vidhyalaya Ghaghau, Firozabad on 21.05.1975, petitioner nos. 5 to 10 were appointed as Assistant Teachers in Inter College, Dadiyamai, Shikohabad, Firozabad on 09.07.1973, 13.07.1970, 08.07.1972, 09.07.1973, 08.07.1972 and 01.01.1975, respectively and petitioner nos. 11 to 16 were appointed as Assistant Teachers in Deen Bandhu Inter College, Usayani, Firozabad on 08.07.1972, 08.07.1973, 09.09.1974, 01.10.1981, 01.12.1972 and 01.10.1981, respectively and petitioner no.17 was appointed as Assistant Teacher in Shri Girdhari Lal Uchchattar Madhyamik Vidhyalaya, Chulavali, Tundla Firozabad on 05.11.1979. They claim to be superannuated on 30.06.2013, 30.06.2012, 30.06.2014, 30.06.2015, 30.06.2013, 30.06.2011, 30.06.2012, 30.06.2007, 30.06.2010, 30.06.2013, 30.06.2013, 30.06.2013, 30.06.2013, 30.06.2014, 30.06.2014 & 30.06.2013, respectively. Accordingly to the writ petitioners, they are entitled for notional increments.

Learned counsel for the writ petitioners seeks to rely upon certain judgments in the case of ***Director (Admin and HR) KPTCL and others Vs. C.P. Mundinamani & others***).

Sri Shailendra Singh, learned Standing Counsel submits that the issue, which the writ seeks to raise needs determination at the first instance by the second respondent, Director of Education (Secondary) U.P. at Lucknow, the petitioner may represent his cause before the second respondent. He further submits that he does not propose to file any response to the writ petition.

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

Considering the submission of the rival parties as well as the 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 approach the second respondent, Director of Education (Secondary) U.P. at Lucknow along with a comprehensive representation accompanied with self-attested copy of the writ petition, who shall, on the receipt of the same, shall proceed to determine the entitlement of the writ petitioner after putting to notice the writ petitioners and the Institution whereat the writ petitioners were working, though they have not been impleaded as the party respondents in the writ petition. The said exercise is to be concluded within a period of four months from the date of production of certified copy of the order.

With the aforesaid observations the writ petition stands disposed off.

Order Date :- 23.11.2023

N.S.Rathour