

Court No. - 34

Case :- WRIT - A No. - 19489 of 2023

Petitioner :- Chhatrapal Gupta

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

Counsel for Petitioner :- Anurag Agrahari, Mahima Sahai

Counsel for Respondent :- C.S.C

Hon'ble Ajit Kumar, J.

1. Heard learned counsel for the parties.
2. By means of this petition, petitioner is claiming certain ACP benefits from July, 2022 to February, 2013.
3. It transpires that petitioner had earlier approached this Court vide Writ-A No.12027 of 2023 for the delay in payment of revised pension which was disposed of on 27.09.2023.
4. Learned Standing Counsel submits that entire dues have been cleared alongwith interest pursuant to the aforesaid order and the petitioner could have made all this prayer in that writ petition itself. The second writ petition, therefore, would be barred on the principle of constructive *resjudicata*.
5. Upon a pointed query being made to the learned counsel for the petitioner as to why he did not make this prayer if the ACP benefit was not accorded, nothing has been replied to explain as to what kind of benefit and in what pay-scale he was not awarded so as to make out a *prima facie* case of denial of ACP benefits.
6. I do not find force in the petitioner's claim as such and, therefore, writ petition is dismissed.

Order Date :- 23.11.2023

P Kesari