

Court No. - 35

Case :- WRIT - A No. - 19672 of 2023

Petitioner :- Manoj Kumar

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

Counsel for Petitioner :- Manta Ram Gupta

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Manta Ram Gupta, learned counsel for the writ petitioner and Sri Gaya Prasad Singh, learned Standing Counsel, who appears for respondents.

The case of the writ petitioner is that though initially he was engaged on casual basis as a Sweeper on 9.9.1989 thereafter he was appointed on regular basis on 7.1.2006 and his salary was also revised pursuant to the Government Order dated 8.12.2008 w.e.f. 31.12.2008 and it was placed under suspension on 5.6.2009 which entailed filing of Writ-A No.37582 of 2009 which was dismissed against which an intra court appeal was preferred bearing no.331 of 2018 however during the pendency of the said appeal the writ petitioner who was earlier suspended was restored back in service on 21.10.2022 however so far as the payment of the arrears of salary referable to the period when he was placed under suspension that was directed to be decided by a separate order. It is also the case of the writ petitioner that he preferred a representation on 13.2.2023 for pay fixation in accordance with 7th Pay Commission and also payment of first and the second A.C.P. It is also the case of the writ petitioner that till date neither any charge sheet has been served nor any inquiry proceedings have been conducted. He thus claims that he is entitled to full salary and also payment of A.C.P., first and second and also the benefits of the 7th Pay Commission.

Sri Gaya Prasad Singh, learned Standing Counsel submits that the issues with the writ petitioner seeks to raise needs determination at the first instance by the Director Technical Education, Vikas Nagar, Kanpur U.P. who shall address to the claim of the writ petitioner.

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 approach the third respondent who shall on the receipt of the same thereafter proceed to decide the entitlement of the petitioner within a period of two months from the date of presentation of the certified copy of the order bearing in mind the fact as to whether there happens to be any punishment order and also where a charge sheet has been served and inquiry is undergoing. In case the third respondent is of the opinion that the matter needs to be addressed by any other authority then the papers be transmitted to it with due communication to the writ petitioner.

With the aforesaid observation, the writ petition is **disposed of**.

Order Date :- 4.12.2023

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