

Court No. - 25

Case :- WRIT - A No. - 1589 of 2004

Petitioner :- Aditya Kumar Misra

Respondent :- Dir. General Of Police Central Reserve Police
And 3 Ors.

Counsel for Petitioner :- S.K.Verma

Counsel for Respondent :- B.B.Saxena,C.S.C.,Sudhanshu
Chauhan

Hon'ble Donadi Ramesh,J.

1. This writ petition has been filed seeking a writ of mandamus directing the respondents to issue an order of posting in favour of the petitioner and give all consequential service benefits from the date of posting of similarly situated persons.

2. Learned Standing Counsel appearing on behalf of the State-respondents submits that the petitioner was appointed and orders were also issued and subsequently, he filed one more writ petition bearing Service Single No. 5262 of 2013 seeking a mandamus commanding opposite party to parity of pay scale and other service benefits paid to similar situated persons, who were recruited in the same batch treating him to continue his service w.e.f. 17.4.2001 on the basis of the appointment order dated 3.4.2001.

3. Considering the submissions and merits of the case, the aforesaid writ petition was disposed of by order dated 15.3.2019. Relevant portion of the said order, is as under:

"In view of the long service of 18 years of the petitioner having been rendered by the petitioner as of now, I am of the view that the medical unfitness report against the petitioner as of today is of no consequence whatsoever and deserves to be ignored particularly in view of the fact that subsequent to the said report, the petitioner has successfully completed the strenuous training of the Central Reserve Police Force and has also put in a long service without any complaint against him.

In view of the fact that the appointment of the petitioner relates to the advertisement issued in year 2000, which fact has not been denied by the opposite parties, I find that the petitioner is also entitled to be granted the same service benefits as are admissible to other persons appointed in the force in pursuance of the aforesaid advertisement issued in the year 2000.

In view of the above, the writ petition is allowed and the petitioner is held entitled to all the service benefits of similarly situated persons recruited by the Central Reserve Police Force in pursuance of the said advertisement issued in the year 2000."

4. Learned Standing Counsel on the basis of instructions submits that the said order was implemented by the State.

5. In the view of the above, the writ petition stands disposed of.

(Donadi Ramesh, J.)

Order Date :- 14.12.2023

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