

Court No. - 1

Case :- WRIT - A No. - 6828 of 2023

Petitioner :- State Of U.P. Thru. Prin. Secy. Addl. Chief Secy. Deptt. Irrga. Civil Secrt. Lko. And 3 Others

Respondent :- Devendra Mohan And Another

Counsel for Petitioner :- C.S.C.

Counsel for Respondent :- Apoorva Tewari, Manish Mishra

with

Case :- WRIT - A No. - 6905 of 2023

Petitioner :- Devendra Mohan

Respondent :- State Of U.P. Thru. Prin. Secy. /Addl. Chief Secy. Deptt. Of Irrigation U.P. Govt. Lko. And Others

Counsel for Petitioner :- Apoorva Tewari

Counsel for Respondent :- C.S.C., Manish Mishra

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard Shri V.P. Nag, learned Standing Counsel for State-appellants and Shri Apoorva Tewari along with Shri Sachin Shukla, learned counsel for respondent No.1/petitioner/Devendra Mohan.

2. Both these writ petitions filed under Article 226 of the Constitution of India, arising out of common judgement/order dated 08.07.2022 passed by U.P. Public Service Tribunal, Indira Bhawan, Lucknow (hereinafter referred to as "Tribunal") were taken up together. The Tribunal has partly allowed the claim petition holding that the respondent No.1 was entitled to pension and other service benefits in the pay-scale of Rs.67,000/- to Rs.79,000/- paid to him on the date of retirement i.e. 30.06.2011 while holding the post of Engineer-in-Chief in officiating capacity. The benefit of increment falling due on 01.07.2011 was however not granted by the Tribunal for which the respondent has filed the connected writ petition.

3. The matter was previously heard on 20.09.2023 when a proposal was floated to the parties, as has been recorded in para 3 of the order which is reproduced hereunder:-

"3. In the meantime, learned Standing Counsel may seek instructions in the matter specifically on the point as to whether the State Government is ready to consent for payment of arrears of pension provided the respondent No.1 gives up the claim of incremental entitlement w.e.f. 01.07.2011 in the connected Writ-A No.6905 of 2023. "

4. Shri V.P. Nag, learned Standing Counsel for the State, on the basis of instructions, has submitted that the proposal so made is acceptable to the State without prejudice to any other proceedings which may be pending against the respondent-officer. The respondent-officer, namely, Devendra Mohan, having regard to the instructions placed before us, has also given up his claim of incremental benefit fallen due w.e.f. 01.07.2011. The instructions placed before this Court dated 18.10.2023 are taken on record.

5. In view of the above, we accordingly, ***dispose of*** both the writ petitions with the direction that the pension payable inclusive of arrears to the respondent No.1/Devendra Mohan shall be paid in the pay scale of Rs.67,000/- to Rs.79,000/-.

6. It is made clear that we have not imposed any restriction upon the consequences ensuing as a result of conclusion of the pending proceedings, if any.

(Om Prakash Shukla, J.) (Attau Rahman Masoodi, J.)

Order Date :- 19.10.2023
Shubhankar