

Case :- SPECIAL APPEAL No. - 467 of 2023

Appellant :- State Of U.P. Thru. Its Addl. Chief Secy. Estate Deptt. , Lko. U.P. And Another

Respondent :- Mr. Ram Naresh

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Mohammad Tauseef Siddiqui

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Heard Shri Indra Jeet Shukla, learned Additional Chief Standing Counsel representing the State respondents and Shri Mohd. Tauseef Siddiqui, learned counsel, who has put in appearance on behalf of the sole respondent.

2. This intra court appeal filed under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 had previously come up for admission/orders on 12.10.2023 before this Court and the Court has essentially passed the following order:

"1. Learned counsel representing the respondent on a proposal being offered by the State that in case he restricts his relief only to the extent of parity with the similarly circumstanced employees for the purposes of payment of minimum pay scale coupled with Dearness Allowance, the revised pay scale as per the recommendation of Seventh Pay Commission may not be pressed. The respondent has agreed to forego the relief for payment of minimum of pay scale in the revised pay based on the recommendation of the Pay Commission.

2. Shri Indra Jeet Shukla, learned Additional Chief Standing Counsel representing the State may seek instructions on this aspect of the matter once it is undisputed that the similarly circumstanced employees having been extended the benefit of minimum of pay scale at Rs. 7000/- are paid wages along with the Dearness Allowance.

3. List this case on 17.10.2023 in the list of fresh cases. "

3. Learned Additional Chief Standing Counsel, on the basis of instructions received from the Estate Department, State of U.P., has submitted that the State shall not have any objection if the order passed by the writ court is modified to the extent that minimum of pay scale already paid to the writ petitioner @ Rs.7000/- is allowed along with the dearness allowances so as to bring the monthly emoluments payable to the respondent at par with the other similarly situated persons working in the department. This would remove the disparity amongst the similarly situated employees working in the departments and shall redress the grievance of the writ petitioner at par.

4. Learned counsel representing the respondent does not have any objection if the emoluments are paid to the writ petitioner at par with the similarly circumstanced persons working in the department.

5. Since both the parties have agreed for payment of minimum of pay scale, as is being paid to the writ petitioner along with Dearness Allowance, the direction issued by the writ court to the extent that the minimum of pay scale in the revised pay on the basis of recommendations of the Seventh Pay Commission be made applicable to the respondent is modified to the above extent.

6. Shri Birbal Singh, Special Secretary, Estate Department, Government of U.P. is present, who has instructed the learned

Additional Chief Standing Counsel to clarify the position as above.

7. In view of above, the special appeal is accordingly **disposed of**.

Order Date :- 19.10.2023

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