

Court No. - 20

Case :- WRIT - A No. - 7485 of 2023

Petitioner :- Mohammad Nadeem Khan And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Lko. And 3 Others

Counsel for Petitioner :- Himanshu Kumar Srivastava

Counsel for Respondent :- C.S.C.

AND

Case :- WRIT - A No. - 7468 of 2023

Petitioner :- Uma Shankar Prasad

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue U.P. Lko. And 4 Others

Counsel for Petitioner :- Arun Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and State Counsel for opposite parties.

2. On 4th October, 2023 following order had been passed:-

"1. Heard learned counsel for petitioners and learned State Counsel for opposite parties.

2. Petition has been filed challenging order dated 18.08.2023 whereby petitioners working on post of Junior Assistant (Peshkar) has been sent on deputation to revenue department.

3. It has been submitted, as specifically stated in paragraph 8 of the petition, that prior to passing of impugned orders, no consent was taken from petitioner as is required in terms of decision of Hon'ble the Supreme Court in State of Punjab & others v. Inder Singh and others reported in (1997) 8 SCC 372.

4. Considering aforesaid submissions, learned State Counsel is granted a week's time to obtain instructions as to whether any consent was obtained from petitioners prior to passing of impugned orders.

5. Connect and list this case along with writ A No.7468 of 2023.

6. Till the next date of listing, operation of orders dated 18.08.2023 so far as they relate to petitioners shall

remain stayed. "

3. In pursuance of directions issued by this Court, learned State Counsel has been provided written instructions dated 16th October, 2023 submitted by Additional Commissioner, Consolidation, which is taken on record. It has been stated in the aforesaid instructions that during pendency of petition, the impugned order dated 18th August 2023 has been recalled and superseded by subsequent government order dated 1st October, 2023 granting liberty to the district magistrates concerned to take work from the employees working in the revenue department. Paragraph 3 of the instructions also states that in pursuance thereof, the petitioner along with others have already been relieved for joining in their parent department.

4. Learned counsel for petitioner however submits that despite the aforesaid, salary payment has not been made to petitioner with effect from the date of passing of the impugned orders dated 18th August, 2023 and 14th September, 2023.

5. In view of the fact that orders impugned in the petition have already been recalled and superseded by the opposite parties, nothing more remains to be adjudicated in the present petition. However since the opposite parties have already recalled and superseded the impugned orders, it is directed that arrears of salary to the petitioner which are outstanding shall be paid to them forthwith.

6. With the aforesaid direction the petitions stand consigned to record room.

Order Date :- 17.10.2023

prabhat