

Court No. - 20

Case :- WRIT - A No. - 7766 of 2023

Petitioner :- Dr. Ganga Shankar Ojha And 13 Others

Respondent :- State Of U.P. Thru. Its Addl. Chief Secy. Deptt. Of Finance, Lko. And 3 Others

Counsel for Petitioner :- Rakesh Chandra Tewari

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

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

2. On 10.10.2023, the following order had been passed:-

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

2. Petition has been filed seeking a direction by opposite parties to provide Special Assured Career Progression (S.A.C.P.) as is being given to the Medical Officers of Primary Medical and Health Services Cadre vide Government Order dated 14.11.2014. Arrears of salary and pension with interest after refixation of pay scale has also been sought.

3. It has been submitted that similar dispute has already been adjudicated by this Court in Writ A No.8366 of 2017; Dr. Om Prakash Gupta & Anr. vs. State of U.P. & Ors. and in Writ A No.32882 of 2019; Dr. Satyapal Singh vs. State of U.P. & Ors., which was allowed by means of judgment and order dated 06.05.2022. It is submitted that Special Appeal against aforesaid judgment was dismissed by means of judgment and order dated 15.03.2023 in Special Appeal Defective No.272 of 2022 and Special Leave Petition bearing Diary No.39161 of 2023 has been disposed of vide order dated 03.10.2023 granting liberty to the State to file review petition which has not been filed till date.

4. With regard to aforesaid submissions, learned State Counsel is granted two weeks' time to seek instructions with regard to review petition.

5. List this case on 31.10.2023 as fresh."

3. Learned counsel for petitioner has submitted that in pursuance of liberty granted by the Supreme Court vide order dated 03.10.2023, Review Petition No.147 of 2023 has been filed which is pending consideration but in the meantime,

opposite parties themselves have granted such relief in the case of *Dr. Om Prakash Gupta and Anr. Vs. State of U.P. and Anr.*, the petitioners of Writ-A No.8366 of 2017, which has been made subject to final outcome of the review petition. It is submitted that the same benefit can be accorded to petitioner as well.

4. Considering the aforesaid facts, particularly the fact that the order dated 10.10.2023, the copy of which is taken on record clearly indicates grant of similar benefits to Dr. Om Prakash Gupta and others, who are petitioners of Writ-A No.8366 of 2017, the opposite party no.1 i.e. State of U.P. through its Additional Chief Secretary, Department of Finance, Government of U.P., Civil Secretariat, Lucknow, is directed to take a decision with regard to petitioner as well, in case, he is covered by the Government Order dated 14.11.2014 as well as judgment rendered in Writ-A No.8366 of 2017. Such a decision shall be taken by the a certified copy of this order is produced before him along with fresh representation.

5. With the aforesaid observations, petition stands **disposed of**.

Order Date :- 31.10.2023

Mohd. Sharif