

**Court No. - 20**

**Case :-** WRIT - A No. - 7952 of 2023

**Petitioner :-** Dinanath Singh And 17 Others

**Respondent :-** State Of U.P. Thru. Prin. Secy. Rajya Sampatti Vibhag, Lko. And Another

**Counsel for Petitioner :-** Mohammad Tauseef Siddiqui

**Counsel for Respondent :-** C.S.C.

**Hon'ble Manish Mathur,J.**

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

Petition has been filed for the following reliefs:-

*"i) Issue a writ order or direction in the nature of Mandamus commanding the Opposite Parties to include the petitioners under the Old Pension Scheme and further direct the Opposite Parties to deduct the contribution of the petitioners towards Old Pension Scheme from their salary within the time stipulated by this Hon'ble Court.*

*ii) Issue a writ order or direction in the nature of Mandamus commanding the Opposite Parties to regularize the services of the petitioners w.e.f. the date the services of other similarly situated employees are regularized for including the petitioners in the Old Pension Scheme.*

*Issue a writ order or direction in the nature of mandamus commanding the opposite parties to consider the candidature of the Petitioners in Old Pension Scheme and make their post retiral dues and pension under the Old Pension Scheme after the attaining the superannuation of the petitioners.*

*iv) Issue any other order or direction deem just and proper in the circumstances of the case may also be passed.*

*v) Allow the writ petition with cost."*

It has been submitted that petitioners, who were initially appointed on daily wage basis in the year 1987-1991, were entitled to be regularized in terms of relevant Rules of the Uttar Pradesh Regularization of Daily Wages Appointment on Group 'D' Posts Rules, 2001, but were ultimately regularized in 2009-2011 due to which they have been excluded from the purview from the old pension scheme.

Learned counsel has placed reliance on judgment rendered in the case of Awadhesh Kumar Srivastava vs. State Of U.P. And 4 Others passed in Writ A no.746 of 2023.

For the said grievance, petitioners have already submitted a representation, but seek liberty to file individual fresh representations before the concerned authority, which may be decided.

Considering the innocuous prayer made and without entering into merits of case, liberty is granted to petitioners to make individual fresh representations before opposite party no.2 i.e. Special Secretary & Rajya Sampatti Adhikari, Rajya Sampatti Anubhag-5, U.P. Lucknow, who shall consider and decide the petitioners' individual representations in the light of judgment rendered in the case of Awadhesh Kumar Srivastava vs. State Of U.P. And 4 Others passed in Writ A no.746 of 2023, in case the same is applicable, within a period of eight weeks from the date such representation is made along with a certified copy of this order before the concerned authority.

With aforesaid observations and directions, the petition is finally **disposed of**.

**Order Date :- 12.10.2023**

Arnima