

Court No. - 20

Case :- WRIT - A No. - 8108 of 2023

Petitioner :- Sudhir Kumar And 3 Others

Respondent :- State Of U.P Thru. Addl. Chief Secy. /Prin. Secy. Deptt.
Revenue Civil Sectr. Lko. And 4 Others

Counsel for Petitioner :- Pramendra Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

Heard learned counsel for petitioners and learned State counsel appearing on behalf of opposite parties.

Petition has been filed seeking the following main relief:-

"(i) A writ, order or direction in the nature of Mandamus commanding the opposite party no.1, 3 and 5 to make the payment of arrears of the second promotional pay scale as the Collector/opposite party no.3 has already granted the second promotional pay scale to the petitioners(including husband of petitioner no. 3 & 4) on 29.08.2018 and in pursuance of the same Sub-Divisional Magistrate/Opposite party no.4 has made the fixation of the same and benefit of 3rd ACP on completion of 26 years services with grade pay Rs.6600/- as per recommendation of 6th pay commission may also be granted and accordingly their all pensionary benefits may be revised, refixed and paid in the interest of justice.

(ii) A writ, order or direction in the nature of Mandamus commanding the opposite parties to extend the benefit of the judgment dated 11.08.2021 passed in writ petition no.2124 (S/S) of 2021 in quite identical matters of Collection Amin whereby the Hon'ble Court has directed to ensure the payment of arrears of the second promotional pay scale of Tahsildar and ACP as well as other consequential benefits and same has been complied with by the State Government vide order dated 17.07.2023, for which the petitioners are eligible and entitled to get the benefit of aforesaid orders."

Learned counsel for petitioners submits that the petitioners have already been granted the Second Promotional Pay-scale on completion of 24 years of services but third ACP on completion of 26 years of services along with arrears of revised pensionary benefits as well as arrears of Second Promotional Pay-scale have not been paid till date, for which the petitioners have already submitted representations but to no avail. Liberty is sought for making a fresh representation to the concerned authority. It is submitted that the petitioners' case is covered by the judgment and order dated 11.08.2021 passed in Writ Petition No.2124 (S/S) of 2021 (Shiv Kishore Dixit v. State of U.P. and others).

Considering innocuous prayer being made by learned counsel for petitioners and without entering into the merits of the case petitioners are granted liberty to file individual fresh

representation with regard to their grievances annexing a copy of the aforesaid judgments before opposite party No.1 i.e. Additional Chief Secretary/Principal Secretary/Department of Revenue U.P. In case such a representation is preferred, the benefits claimed by petitioners shall be paid to them within a period of four months from the date representation is made in case there is no legal impediment. In case of any legal impediment, the petitioners shall be made aware of the same in writing within the same time period. The authority concerned shall be guided by the observations and directions made by this Court in the writ petition of Shiv Kishore Dixit (supra), in case it is applicable.

With the aforesaid observations, the writ petition stands disposed of.

Order Date :- 17.10.2023

kvg/-