

Court No. - 20

Case :- WRIT - A No. - 8192 of 2023

Petitioner :- Awadhesh Kumar Gautam

Respondent :- State Of U.P. Thru. Prin. Secy./ Addl. Chief Secy. Deptt. Of Law, Lko. And 2 Others

Counsel for Petitioner :- Girish Kumar Pande, Prashant Pandey

Counsel for Respondent :- C.S.C., Gaurav Mehrotra

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite parties 1 and 3 and Mr. Gaurav Mehrotra, learned counsel for opposite party no.2.

2. Petition has been filed seeking the following relief :-

"1. Issue writ order or direction in the nature of mandamus commanding the Opposite Parties to make the payment of salary for suspension period i.e. 24.04.2003 to 10.10.2006 along with interest and also the salary for the period from 11.10.2006 to 17.03.2008 (after suspension period) along with interest to the petitioner in pursuance to the order dated 16.03.2022 passed in Statutory Appeal No. 6/2007 by the Hon'ble Administrative Judge placed as Annexure No. 5 to the petition.

ii. Issue writ order or direction in the nature of mandamus commanding the Opposite Parties to provide Assured Career Progression (ACP) of Rs. 4800/- to Rs. 5500/- which falls due in the year 2011 and 2016 respectively to the petitioner in pursuance to the order dated 16.03.2022 passed in Statutory Appeal No. 6/2007 by the Hon'ble Administrative Judge placed as Annexure No. 5 to the petition.

iii. Issue writ order or direction in the nature of mandamus commanding the Opposite Parties for Re-fixation of pension of the petitioner as per Seventh Pay Commission and other consequential benefits to the petitioner in pursuance to the order dated 16.03.2022 passed in Statutory Appeal No.6/2007 by the Hon'ble Administrative Judge placed as Annexure No. 5 to the petition.

iv. Issue writ order or direction in the nature of mandamus commanding the Opposite Parties for release of all the increment from the date of accrual along with arrears and interest to the petitioner as applicable till the date of actual payment within the stipulated time as fixed by this Hon'ble Court be also paid to the petitioner.

v. Any other writ order or direction which this Hon'ble Court may deem just and proper in circumstances of the case.

vi. To allow this petition with costs."

3. For the said grievance, petitioner has already submitted a representation but seeks liberty to file a fresh representation before the authority concerned. At present, learned counsel for petitioner restricts prayer with regard to final decision on the same.

4. Since addressing petitioner's grievance would entail factual

aspects and considering the innocuous prayer, without entering into merits, liberty is granted to petitioner to file a fresh representation before opposite party no.2 i.e. District Judge, Faizabad who shall consider and decide the same within a period of eight weeks from the date a certified copy of this order is produced before the said authority along with fresh representation.

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

Order Date :- 19.10.2023

kvg/-