

Court No. - 7

Case :- WRIT - A No. - 8225 of 2023

Petitioner :- Vinod Kumar And 3 Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Medical Edu. Lko. And 4 Others

Counsel for Petitioner :- Sameer Kalia, Srideep Chatterjee

Counsel for Respondent :- C.S.C., Anupras Singh

Hon'ble Abdul Moin, J.

1. Heard Sri Sameer Kalia, learned counsel for the petitioners, learned Standing Counsel for respondents no.1 and 2, and Sri Anupras Singh, learned counsel for respondents no.3 to 5.

2. Though the instant writ petition has been filed praying for quashing of various government orders as indicated in the prayer clause yet the matter in issue, as stated by Sri Kalia, learned counsel for the petitioners, is that all the petitioners are non-teaching staff of respondent no.3-institute and are praying for the benefits arising out from sixth pay commission as extended to the non-teaching staff of SGPGI.

3. At the very outset, Sri Anupras Singh, learned counsel for respondents no.3 to 5, points out that certain petitioners had approached this Court by filing Writ-A No.5917 of 2017 in re: Amit Sharma and 59 others vs. State of U.P. and others, and this Court vide judgment and order dated 23.08.2023, a copy of which is Annexure-15 to the writ petition, has allowed the petition and has directed the State Government to extend all benefits arising out from sixth pay commission to the non-teaching staff of the respondent University from the date from which the same has been extended to the non-teaching staff of SGPGI through order dated 29.06.2009 and w.e.f. 01.01.2006. The said order has been directed to be complied within six months.

4. It is contended as the petitioners are also seeking the similar benefit and are non-teaching staff consequently as the period of time of six month is still to lapse, the instant petition is premature.

5. Responding to that the contention of Sri Kalia is that once the writ Court vide order dated 23.08.2023 has already granted the benefit as has been claimed by the petitioners in the instant petition to the non-teaching staff and a period of six months'

time is still to lapse as such the instant petition may be disposed of with a liberty to the petitioners to approach this Court again in case the said benefit is not extended to them.

6. Considering the aforesaid, the writ petition is disposed of with liberty as aforesaid.

Order Date :- 19.10.2023

A. Katiyar