

Court No. - 20

Case :- WRIT - A No. - 8264 of 2023

Petitioner :- Sangeeta Pal And 5 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Medical Health And Family Welfare, U.P. Lucknow And 3 Others

Counsel for Petitioner :- Alok Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

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

2. Petition has been filed for following reliefs:-

" (i) to issue a writ, order or direction in the nature of Mandamus commanding the opposite parties, especially the opposite party no.2 to pay the Grade Pay of Rs.2800/- to the petitioners from the date of their initial appointment as is being paid to the similarly situated Health Workers (Male/Female) appointed on or before 01-12-2011, ignoring the Government Order dated 19-12-2011 and keeping in view the judgment and order dated 11-03-1988 passed by this Hon'ble Court at Allahabad in Writ Petition No.15904 of 1983 -Sri Shiv Charan Lal Kushwaha & Ors. Vs. State of U.P. & Ors.

(ii) to pass such other order or direction, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case in favour of the petitioners.

(iii) to allow the writ petition with costs in favour of the petitioners. "

3. It has been submitted that a similar controversy has already been adjudicated upon by this Court in Writ A No. 20255 of 2021, Kamal Deep Nirala versus State of U.P. and others by means of judgment and order dated 4th July, 2023. It is submitted that aforesaid judgment has attained finality since no appeal thereagainst has been filed till date. It is also submitted that petitioners are similarly situated as the petitioners of the aforesaid writ petition and are therefore entitled for the same benefits.

4. Considering aforesaid submissions by learned counsel for petitioner, liberty is granted to petitioners to file a fresh representation before opposite party No.2 i.e. Director General, Family Welfare, Lucknow with regard to their grievances. The said opposite party shall consider and decide the same in the light of judgment rendered by Co-ordinate Bench of this Court

in the case of Kamal Deep Nirala(supra) in case same is applicable. Reasoned decision shall be taken within a period of four weeks from the date a certified copy of this order is submitted before concerned authority along with copy of the aforesaid judgment.

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

Order Date :- 19.10.2023

Satish