Court No. - 20

Case :- WRIT - A No. - 8431 of 2023

Petitioner :- Paras Nath Lal Srivastava
Respondent :- State Of U.P. Thru. Chief Secy. Lko. And 2 Others
Counsel for Petitioner :- Vishnu Kumar Srivastava,Devendra Kumar Pathak
Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.

2. Petition has been filed seeking admissibility of one notional increment along with consequential revision of pension and other post-retiral benefits in light of the judgment rendered by this Court as well as by Hon'ble the Supreme Court.

3. Learned counsel for petitioner submits that petitioner who was earlier working with opposite parties superannuated on 30.06.2011 but since the next increment was due on the next date, i.e. 01.07.2011, the benefit of same was denied to him on account of his superannuation a day before.

4. It is submitted that aforesaid dispute has already been adjudicated upon by this Court in **Nand Vijay Singh and others** v. **Union of India and others** [WRIT - A No. - 13299 of 2020] which was allowed by means of judgment and order dated 29.06.2021. Aforesaid judgment as well as judgment in other connected matters were thereafter challenged before Hon'ble the Supreme Court which upheld the same in **The Director(Admn. and H.R.) KPTCL & others** v. **C.P. Mundinamani & others reported in** 2023 LiveLaw (SC) 296[Civil Appeal No.2471 of 2023 @ SLP (C) No.6185/2020] vide judgment and order dated 11.04.2023.

5. It has been submitted that since the dispute has attained finality by judgment rendered by Hon'ble the Supreme Court

only in April, 2023, as such cause of action to petitioner would continue.

6. In view of aforesaid, liberty is granted to petitioner to file a representation before the appropriate authority with regard to his grievances annexing copies of orders/Judgments indicated herein above.

7. In case such a representation is filed by petitioner, the authority concerned shall decide the same in light of aforesaid judgments, in case they are applicable. Decision on the representation shall be taken within a period of eight weeks from the date of its submission.

8. The Writ Petition is **disposed of** with aforesaid direction.

Order Date :- 31.10.2023
kvg/-

Digitally signed by :-
GIREESAN KV
High Court of Judicature at Allahabad,
Lucknow Bench