

Court No. - 20

Case :- WRIT - A No. - 8556 of 2023

Petitioner :- Nakchhed Ram

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Revenue Lko.
And 2 Others

Counsel for Petitioner :- Shailendra Kumar Dubey

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 challenging order dated 14.06.2023 submitting that pay fixation of petitioner subsequent to his superannuation has been wrongly made. Further prayer for grant of promotional pay-scale with effect from 12.09.2003 as well as second and third A.C.P. with effect from 12.09.2005 and 12.09.2015 with Grade Pay of Rs.4200/- & 4600/- respectively has been sought.
3. It has been submitted that earlier petitioner was visited with punishment order dated 31.01.2004. Appeal and revision thereagainst were also rejected vide orders dated 6.11.2019 22.05.2020 respectively. The same were challenged in WRIT - A No. - 3663 of 2020 which was allowed vide judgment and order dated 27.02.2023 quashing the orders impugned therein and granting liberty to opposite parties to conduct enquiry afresh. In pursuance thereof, the Enquiry Committee vide its recommendation dated 12.06.2023 did not find it appropriate to continue enquiry proceedings against petitioner and vide order dated 14.06.2023, the said recommendations were accepted while granting pensionary benefits to petitioner and indicating the pay scale for the purposes of calculation of retiral benefits.
4. It is submitted that aforesaid fixation of pay scale for purposes of retiral benefits does not take into account the first

promotional pay scale, and second and third A.C.P. benefits.

5. For the said grievance, petitioner has already submitted a representation dated 05.08.2023 before the authority concerned. At present, learned counsel for petitioner restricts prayer with regard to final decision on the same.

6. Considering the innocuous prayer, without entering into merits, opposite party no.3 i.e. Sub-Divisional Magistrate, Tehsil Colonelganj, District Gonda or any other competent authority is directed to consider and decide representation of petitioner dated 05.08.2023 expeditiously within a period of eight weeks from the date a copy of this order is produced before authority concerned along with a copy of said representation. The pay-scale fixed vide order dated 14.06.2023 shall abide by the final decision so taken.

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

Order Date :- 3.11.2023

kvg/-