

Court No. - 20

Case :- WRIT - A No. - 8566 of 2023

Petitioner :- Arun Kumar Srivastava And 7 Others

Respondent :- State Of U.P Thru. Prin. Secy. Namami Gange Rural Water Supply Minor Irrigation Dept. And Another

Counsel for Petitioner :- Rakesh Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard Sri Rakesh Kumar Singh, learned counsel for petitioners as well as learned Standing Counsel for the respondents.
2. It has been submitted by learned counsel for petitioners that petitioners were initially appointed on the post of Assistant Engineer through U. P. Public Service Commission and while working on the post of Superintending Engineer and Chief Engineer have retired after attaining the age of superannuation.
3. The petitioners had assailed the order dated 10.04.2015 by which the claim of the petitioners for the benefit of pay Band -4 of Rs. 37400-67700/- with grade pay of Rs. 8700/- w.e.f. 01.01.2006 has been rejected.
4. It has been submitted by learned counsel for petitioners that similarly situated persons have approached this Court by filing a bunch of writ petitions, the leading being ***Writ A No. 2000222 of 2015 (Kuldeep Kumar and Ors. Vs. State of U.P. and Ors.)*** which was allowed by this Court and the order dated 10.04.2015 which has been impugned by the petitioners in the present writ petition was quashed.
5. Learned Standing Counsel could not dispute this fact that this Court in the said writ petitions has already quashed the order dated 10.04.2015 in the case of ***Kuldeep Kumar*** (Supra) and consequently the claim of the petitioners can be adequately considered by the respondents, in the light of judgment in the case of ***Kuldeep Kumar*** (Supra). However, the impugned orders dated 13.12.2019 and 17.2.2020 are also illegal and arbitrary in as much as they upheld the order dated 10.4.2015 which had already been quashed by this Court in the case of ***Kuldeep Kumar*** (Supra).
6. At this stage, learned counsel for petitioners submits that petitioners' grievances shall be substantially redressed in case respondent No.1 is directed to consider and decide the claim of

the petitioners in light of the judgment of this Court dated 19.07.2022 passed in Writ A No. 2000222 of 2015 expeditiously.

7. Learned Standing counsel, on the other hand, does not oppose in case such a direction is issued to respondent to decide the representation of the petitioners in a time bound manner.

8. In light of the above, without entering into merits of the case, the writ petition is **disposed of** with liberty to the petitioners to prefer a fresh representation to respondent No. 1/Principal Secretary, Namami Gange Rural Water Supply and Minor Irrigation Department, Civil Secretariat, Lucknow within two weeks from today and in case such a representation is made, respondent No.1 shall proceed to consider and decide the claim of the petitioners in accordance with law with speaking and reasoned order as well as in light of the judgment of this Court dated 19.07.2022 passed in Writ A No. 2000222 of 2015, expeditiously, say, within a period of six weeks thereafter.

Order Date :- 3.11.2023

Subodh/-