

Court No. - 20

Case :- WRIT - A No. - 8658 of 2023

Petitioner :- Lalji Prasad And Another

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

Counsel for Petitioner :- Ashwani Kumar

Counsel for Respondent :- C.S.C.,Gaurav Mehrotra

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioners, learned State Counsel for opposite party no.1 and Mr. Devam Shukla, learned counsel holding brief on behalf of Mr Vijay Dixit, learned counsel for opposite parties 2 and 3. His memo of appearance filed today is taken on record.

2. Petition has been filed seeking a direction to opposite parties for consideration of petitioners' claim for fixation of pay to them on their promotional post on notional basis with effect from 30.01.2008 as has been provided to juniors of petitioners vide notification dated 03.09.2012 along with all consequential service benefits.

3. It has been submitted that earlier petitioners had filed Writ Petition No.2036(S/B) of 2011 seeking promotion from Grade-I to Grade-II. The said petition was disposed of vide order dated 16.05.2012 and in pursuance thereof, petitioners were promoted vide orders dated 04.09.2012. It is submitted that promotional order itself indicates that promotion has been granted from the date when juniors had been promoted as Bench Secretary Grade II.

4. It is submitted that since promotion has already been granted vide order dated 04.09.2012 specifically indicating such benefits to be in conformity with the benefits granted to juniors, petitioners are also entitled for fixation of pay-scale on the promotional post since it is continuing cause of action.

5. For the said grievance, petitioners have already submitted a representation but seeks liberty to file a fresh representation before the authority concerned. At present, learned counsel for petitioners restricts prayer with regard to final decision on the same.

6. Considering the innocuous prayer, without entering into merits, liberty is granted to petitioners to file fresh individual representation before opposite party no.2 or any other concerned authority who shall consider and decide the same within a period of eight weeks from the date a certified copy of this order is produced before the said authority along with fresh representation.

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

Order Date :- 7.11.2023

kvg/-