

Court No. - 20

Case :- WRIT - A No. - 8780 of 2023

Petitioner :- Dr. Hanuman Prasad Shahi

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Medical Health And Family Welfare Lko. And 2 Others

Counsel for Petitioner :- Mrinal Tripathi, Birendra Narain Shukla

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 for the following main relief:-

"i. issue, a writ, order or direction in the nature of Mandamus commanding and directing to the Opposite Parties to promote the petitioners on the post of Medical Officer Grade-2 (Level-2) in pay scale Rs. 15600-39100 grade pay Rs.6600.00 w.e.f. 19.8.2014 and on the post of Medical Officer, Grade-3 (Level-3 Consultant) in pay band Rs. 15600-39100 grade pay Rs.7600.00 w.e.f. 10.2.2022, i.e. the date of promotion of his juniors up to the seniority position of 14009 and number of others who are placed below the petitioner in the seniority list of medical officers of Provincial Medical and Health Services, with all consequential service benefits.

ii. issue, a writ, order or direction in the nature of Mandamus commanding and directing to the Opposite Parties to modify the order dated 18.12.2017 issued by opposite party no.1 as contained in Annexure No.5 of the writ petition and to grant promotion to the petitioner on the post of Medical Officer Grade-2 (Level-2) in pay scale Rs.15600-39100 grade pay Rs.6600.00 w.e.f. 19.8.2014 i.e. date of promotion of his juniors, with all consequential service benefits.

iii allow, the writ petition with cost.

iv. issue, any other writ order or direction in the nature and manner, which this Hon'ble Court may deem fit, proper and just in the circumstances of the case."

3. It has been submitted that in similar circumstances, Dr. Sunil Kumar and others had filed WRIT - A No.- 7438 of 2022 and in pursuance of interim direction dated 31.05.2022 passed in the aforesaid writ petition, petitioner of the said petition has already been granted such reliefs. It is submitted that petitioner being similarly situated is also entitled for the said benefit.

4. For the said relief, petitioner has already submitted a representation but seeks liberty to file a fresh representation before the authority concerned. At present, learned counsel for

petitioner restricts prayer with regard to final decision on the same.

5. Considering the innocuous prayer, without entering into merits, liberty is granted to petitioner to file a fresh representation before opposite party no.1 i.e. Additional Chief Secretary, Department of Medical, Health and Family Welfare, U.P. 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 and shall also take into consideration the fact that in case similarly situated persons have been granted such reliefs, petitioner should not be denied the same.

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

Order Date :- 9.11.2023

Subodh/-