

Court No. - 20

Case :- WRIT - A No. - 8848 of 2023

Petitioner :- Dr Smt. Vidhatri Devi Mishra

Respondent :- State Of U.P. Thru. Prin. Secy. Ayush Anubhag I Govt, Lko. And 3 Others

Counsel for Petitioner :- Mohammad Tauseef Siddiqui, Jahan Singh Yadav, Shiv Pratap Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur, J.

1. Heard learned counsel for the petitioner as well as learned Standing Counsel who has put in appearance on behalf of the opposite parties.
2. It has been submitted on behalf of petitioner that he was duly appointed on post of Medical Officer on 16.06.1988 and in pursuance thereof he joined on 04.07.1988.
3. It is stated that petitioner was selected in accordance with the Rules and against clear vacancies. It is further stated that the services of petitioner were regularized vide order dated 16.03.2005 and petitioner superannuated on 30.09.2021 from Rajkiya Ayurvedic Chikitsalaya, Fatehgarh, District Farrukhabad.
4. Grievance raised in the present petition is with regard to the non-payment of post retiral dues and pensionary benefits counting ad-hoc services rendered by petitioner(s) in the Department towards grant of pension and other post retiral dues along with arrears and interest.
5. It has been submitted by learned counsel for petitioner that in similar circumstances, a coordinate Bench of this Court in **Dr. Ram Sharan Tripathi v. State of U.P. and others** [Writ-A No.15529 of 2018] vide order dated 15.09.2021 while allowing the writ petition had held that the services rendered by

petitioner therein on ad-hoc basis would be counted towards qualifying service and consequently the petitioner was held to be entitled for pension. While allowing the said writ petition, this Court has considered the provisions of the U.P. Qualifying Service for pension and Validation Act, 2021.

6. Learned counsel for the petitioner, at this stage, submits that the grievance of the petitioner shall be substantially redressed in case opposite party no.1 is directed to consider and decide representation of petitioner dated 25.03.2023, contained as Annexure No.7 to the petition expeditiously.

7. Learned State Counsel has no objection to the prayer made by learned counsel for petitioners.

8. In view of above, the present writ petition is **disposed of** finally with a direction to the opposite party no.1/Additional Chief/Principal Secretary, Ayush Anubhag-I, Government of U.P. Lucknow to consider and decide representation of petitioner dated 25.03.2023 by a reasoned and speaking order in the light of judgment of this Court in **Dr. Ram Sharan Tripathi**(supra) in case it is applicable expeditiously within a period of eight weeks from the date a certified copy of this order along with copy of representation dated 25.03.2023 is placed before him.

Order Date :- 9.11.2023

kvg/-