

Court No. - 20

Case :- WRIT - A No. - 8891 of 2023

Petitioner :- Smt. Sarita Sharma

Respondent :- State Of U.P. Thru. Prin. Secy. Medical And Health Services Lko. And 5 Others

Counsel for Petitioner :- Manish Nigam

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner, learned State Counsel for opposite parties.

2. Petition has been filed seeking direction to opposite parties to allow arrears of salary to petitioner for a period of 17th December, 2008 till 17th December, 2009 along with all consequential benefits. Prayer has also been made for direction to opposite parties to sanction budget for making payment of arrears of salary to petitioner.

3. It has been submitted that petitioner was appointed on class-VI post on 15th November, 2006 pursuant to process of selection. Whereafter, she joined her post, but subsequently her services were terminated in pursuance of direction of State Government against which petitioner has filed a petition, which was allowed by a common judgement dated 16th September, 2009. Whereafter, petitioner was permitted to work on respective post. It has been submitted that in pursuance of directions, payment for aforesaid period was made, but subsequently recovered. Due to which similarly situated person such as Diwakar Shukla and others had filed a Writ-A No.9553 of 2019, which was disposed of vide order dated 31st October, 2022. It is submitted that petitioner is also entitled to the aforesaid benefit.

4. Considering submissions advanced by learned counsel for petitioner, liberty is granted to her to file a fresh representation before opposite party No.6, i.e., Chief Medical Officer, Bahraich, who shall consider and decide the same within a period of eight weeks from date a certified copy of this order is produced before concerned authority. Petitioner shall also be entitled to benefit of judgement rendered by this Court in the case of Diwakar Shukla and others (supra), in case the same is applicable upon her.

5. With the aforesaid directions, petition stands **disposed of**.

Order Date :- 9.11.2023

Ashutosh Pandey