

Court No. - 20

Case :- WRIT - A No. - 9172 of 2023

Petitioner :- Mohammad Arif

Respondent :- State Of U.P. Thru. Prin. Secy. Finance, U.P.
Lucknow And 8 Others

Counsel for Petitioner :- Savitra Vardhan Singh

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 seeking a direction to opposite parties to pass appropriate orders regarding grant of pay protection to petitioner as has been provided to other similarly situated persons.

3. It has been submitted that earlier petitioner was an employee of the U.P. Tyres and Tubes Limited Raebareili, which was a Government Rule Company and due to its closure in 1994, petitioner was granted a certificate of retrenchment whereafter he was absorbed in the Education Department vide order dated 10.02.1997. It is submitted that pay protection was earlier granted to petitioner vide order dated 17.10.2001 and but was subsequently withdrawn vide order dated 27.05.2008 due to which petitioner filed Writ Petition No. 1290 of 2010 (S/S) against withdrawal of pay protection as well as for extension of benefit of VI Pay Commission recommendations. The said writ petition was disposed of vide order 06.12.2013 directing opposite parties to consider and decide petitioner's grievances.

4. It is submitted that in pursuance of such directions, the State Government issued order dated 24.04.2014 whereby it was directed that petitioner's grievance regarding pay protection and benefit of VI Pay Scale should be considered and decided expeditiously in consultation and approval with the Finance Department. In pursuance thereof, vide letter dated 30.06.2014, Finance Department also indicated its approval for pay protection with stipulation of the Act the Education Department should send a proposal in the prescribed format for final approval. It is submitted that despite aforesaid, final order against pay protection to petitioner have not yet been passed due to which petitioner give a representation dated 18.09.2023. At present, learned counsel for petitioner restricts

his prayer for a final decision with regard to same.

5. Considering innocuous prayer, without entering into merits, the opposite party nos. 1, 3 & 5 collectively are directed to take a final decision on the representation of petitioner dated 18.09.2023 in the light of orders dated 24.04.2014 and 30.06.2014. The said representation shall be decided within a period of six weeks from the date a certified copy of this order is produced before the said authority along with copy of the representation dated 18.09.2023.

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

Order Date :- 29.11.2023

Satish