

Court No. - 8

Case :- WRIT - A No. - 9446 of 2023

Petitioner :- Ram Ji Pandey

Respondent :- State Of U.P. Thru. Secy. (Secondary Edu) Lko. And 4 Others

Counsel for Petitioner :- Sanjay Misra, Arvind Kumar Pandey, Pratyush Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia, J.

1. Heard learned Counsel for the petitioner and Sri Ranvijay Singh, learned Additional Chief Standing Counsel.
2. The present petition has been filed by the petitioner challenging the order dated 11.08.2023, whereby the request of the petitioner for grant of pension was rejected placing reliance on the judgment and order dated 28.01.2023 passed in Special Appeal (Defective) No.31 of 2023.
3. The sole contention of the Counsel for the petitioner is that the foundation for passing the impugned order being the judgment dated 28.01.2023 passed in Special Appeal (Defective) No.31 of 2023 has lost its substratum in view of the subsequent Civil Misc. Review Application No.33 of 2023, whereby the order dated 28.01.2023 was reviewed, vide order dated 21.07.2023 and ultimately the special appeal was dismissed.
4. It is argued by the Counsel for the petitioner that the order of the review application was not considered in the impugned order. On the face of it, the order impugned is based upon the judgment dated 28.01.2023 which itself was reviewed by means of subsequent order dated 21.07.2023, which has not been considered, as such, the impugned order dated 11.08.2023 (Annexure-1 to the writ petition) is quashed.
5. The matter is remanded to the respondent no.3 to pass fresh orders. While doing so, he will take into consideration the order dated 21.07.2023 passed in Civil Misc. Review Application No.33 of 2023.
6. The fresh order as directed above shall be passed within a period of six weeks from today.
7. The writ petition is ***allowed*** in terms of the abovesaid order.

Order Date :- 13.12.2023

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