

Court No. - 20

Case :- WRIT - A No. - 9491 of 2023

Petitioner :- Ram Sevak

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Home, U.P.
Lucknow And 2 Others

Counsel for Petitioner :- Santosh Kr. Yadav Warsi, Rati Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur, J.

Heard learned counsel for petitioner and learned State Counsel for opposite parties.

Petition has been filed seeking admissibility of one notional increment along with consequential revision of pension and other post-retiral benefits in light of the judgment rendered by this Court as well as by Hon'ble the Supreme Court.

Learned counsel for petitioner submits that petitioner who was earlier working with opposite party superannuated on 30.06.2023 but since the next increment was due on the next date, i.e. 01.07.2023, the benefit of same was denied to him on account of his superannuation a day before.

It has been submitted that aforesaid dispute has already been adjudicated upon by this Court in **P.P. Pandey v. State of U.P. and others** [Writ Petition No.18375(S/S) of 2020] which has been followed by another coordinate Bench of this Court in **Nand Vijay Singh and others v. Union of India and others** [WRIT - A No. - 13299 of 2020] which was allowed by means of judgment and order dated 29.06.2021. Aforesaid judgment in **Nand Vijay Singh** (supra) as well as judgment in other connected matters were thereafter challenged before Hon'ble the Supreme Court which upheld the same in **The Director(Admn. and H.R.) KPTCL & others v. C.P. Mundinamani & others** reported in 2023 Live Law (SC) 296[Civil Appeal No.2471 of 2023 @ SLP (C) No.6185/2020] vide judgment and order dated 11.04.2023.

Learned State Counsel was unable to dispute the fact that the petitioner's case is covered by aforesaid judgments.

In view of aforesaid, applicability of aforesaid judgments is clearly made out in favour of petitioner due to which a writ in the nature of Mandamus is issued directing the opposite parties to grant of benefit of judgment rendered by this Court in **P.P. Pandey** (supra) with regard to grant of one notional increment

in salary admissible to petitioner as on 01.07.2023 along with consequential revision of pension etc. within a period of three months from the date a certified copy of this order is produced before the said authority.

The Writ Petition as such succeeds and is **allowed at the admission stage itself.**

Order Date :- 14.12.2023

Subodh/-