

Court No. - 20

Case :- WRIT - A No. - 9629 of 2023

Petitioner :- Dr. Anil Kumar Singh And 3 Others

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

Counsel for Petitioner :- Vachaspati Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

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

Petition has been filed for the following relief:-

"(i) Issue a writ, order or direction in the nature of Mandamus directing the respondent authorities to extend the benefit of the Special A.C.P. Scheme at par with the Medical Officers of P.M.H.S. Cadre as has been provided to them by the State Government vide the Government Order No.वे०आ०-2-847/दस-08(मु०स०स०)/2011 dated 14.11.2014 issued by Finance (Pay Commission) Section-2 of the Department of Finance, Government of U.P. with all consequential benefits, within time frame as stipulated by this Hon'ble Court;

(ii) Issue a writ, order or direction in the nature of Mandamus commanding and directing the Respondent Authorities to consider and decide the Representation dated 01.11.2023 of the petitioners (Annexure No. 14 to the writ petition) extending the benefits of the Special Assured Career Progression (SACP) Scheme to the petitioners herein also at par with the Medical Officers of the P.M.H.S. Cadre in terms of the Judgment and Order dated 06.05.2022 passed by this Hon'ble Court in Writ-A No. 8366 of 2017 (Dr. Om Prakash Gupta & Anr. vs. State of U.P. & Ors.) and affirmed/upheld by this Hon'ble Court vide Judgment & Order dated 15.03.2023 passed in Special Appeal (Defective) No. 272 of 2022 (State of U.P. & Anr. vs. Dr. Satya Pal Singh) with all consequential benefits;

(iii) Issue any further writ, order or direction, which this Hon'ble Court may deem just, fit and proper in the facts and circumstances of the case including the costs of the petition in favour of the petitioners to secure the ends of justice.

(iv) Award the cost of the petition in favour of the petitioners."

For the said grievance, petitioner has already submitted a representation but seeks liberty to file a fresh representation before the authority concerned. At present, learned counsel for petitioner restricts his prayer for a final decision with regard to same.

Considering innocuous prayer, without interning into merits, liberty is granted to petitioner to file a fresh representation before opposite party no. 1 i.e. Additional Chief Secretary, Finance, U.P. Civil Secretariat, Lucknow, U.P. who shall consider and decide the same within a period of eight weeks from the date a certified copy of this order is produced before the said authority along with fresh representation.

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

Order Date :- 16.12.2023

Satish