

Court No. - 20

Case :- WRIT - A No. - 9657 of 2023

Petitioner :- Rajendra Prasad

Respondent :- State Of U.P. Thru. Prin. Secy. Gram Vikas
Deptt. Govt. Civil Sectt. Lko And Another

Counsel for Petitioner :- Km. Neelam Singh

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 challenging order dated 18.08.2023 whereby petitioner's representation for grant of notional increment due on 01.07.2019 has been rejected only on the ground that he has superannuated on 30.06.2019. Further prayer for a direction to opposite parties to provide notional increment as on 01.07.2019 has also been prayed for.

The aforesaid issue pertaining to grant of notional increment due on the very next date from the date of superannuation has already been considered in the following cases.

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.

Upon applicability of aforesaid judgments in the present facts and circumstances it is quite evident that petitioner's case is completely covered by the aforesaid judgments.

In view of aforesaid, the petition is being adjudicated upon at the admission stage itself without calling for a counter affidavit since ground for rejection for grant of notional benefit are said evident from the impugned order.

Consequentially, the impugned order dated 18.08.2023 being against the aforesaid judgment is hereby quashed by issuance of writ in the nature of certiorari. A further writ in the nature of mandamus is issued commanding the opposite parties to provide benefit of notional increment due to petitioner as on 01.07.2019 along with consequential benefits within a period of three months from the date a certified copy of this order is produced before the concerned authority.

Resultantly, petition succeeds and is **allowed**. Parties to bear their own cost.

Order Date :- 18.12.2023/Satish