

Court No. - 20

Case :- WRIT - A No. - 9612 of 2023

Petitioner :- Ram Prakash And 3 Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Estate Deptt. Lko
And Another

Counsel for Petitioner :- Mohammad Tauseef Siddiqui, Shiv Pratap Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties.
2. Petition has been filed seeking a direction to opposite parties for making payment of arrears of minimum of pay-scale alongwith admissible dearness allowances with effect from 12.05.2004 to 30.09.2005 as has been paid to similarly situated employee with department.
3. Ms. Deepshikha, learned Additional Chief Standing has however raised an objection regarding maintainability of this petition on the ground that earlier as well petitioner had filed Writ Petition No.2299(S/S) of 2004 in which vide order dated 12.05.2004, directions have already been issued for grant of minimum of pay-scale to petitioner. It is further submitted that subsequently petitioner filed Criminal Misc. Case No.1759 (C) of 2005 which has been dismissed in default of appearance vide order dated 23.04.2013 and in which no restoration has been filed till date.
4. In response thereto, learned counsel for petitioner submits that against the directions issued by this Court in writ jurisdiction, the opposite party filed Special Appeal and thereafter Special Leave to Appeal before Hon'ble the Supreme Court which was dismissed vide order dated 03.03.2017. It is submitted that since in compliance thereof, opposite parties have granted minimum of the pay-scale vide order dated 13.09.2017 but not from 12.05.2004, it could constitute a continuing cause of action to petitioner.
5. Upon consideration of submissions advanced by learned counsel for parties and perusal of material available on record, the submissions as made by learned counsel for parties are quite evident from material on record. It appears that after dismissal of petitioner's contempt application, the matter was agitated in special appeal before Division Bench of this Court and also before Hon'ble the Supreme Court with Special Leave Petition

being dismissed in the year 2017.

6. It is also on record that subsequently minimum of pay-scale has already been made admissible to petitioner but only from the year 2017 and therefore in the considered opinion of this Court, which constitute a continuing cause of action to petitioner.

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

8. Considering innocuous prayer being made by learned counsel for petitioner and without entering into the merits of the case petitioner is granted liberty to file a fresh representation before opposite party No.2 i.e. Rajya Sampatti Adhikari, Rajya Sampatti Vibhag, U.P. Lucknow. In case such a representation is filed, the same shall be considered and decided within a period of eight weeks from the date a certified copy of this order is produced before the said authority.

9. With the aforesaid observation, petition stands **disposed of**.

Order Date :- 16.12.2023

Subodh/-