

**Court No. - 20**

**Case :-** WRIT - A No. - 9613 of 2023

**Petitioner :-** Dr. Upendra Kumar Dixit

**Respondent :-** State Of U.P. Thru. Addl. Chief Secy. Finance Samanya Anubhag U.P. Lko. And 2 Others

**Counsel for Petitioner :-** Ashok Kumar Mishra

**Counsel for Respondent :-** C.S.C.

**Hon'ble Manish Mathur,J.**

Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties.

Petition has been filed seeking benefit of Special ACP with effect from the date. It has been allowed to Medical Officers of PMHS Cadre and for providing all consequential benefits in the light of judgment and order passed in case of Dr. Om Prakash Gupta & Anr. versus State of U.P. & Anr. and connected petition.

Learned counsel for petitioner submits that petitioner is working as Medical Officer, Ayurvedic and has since superannuated but the benefit of Special Assured Career Progress Scheme has not been granted to petitioner.

It is submitted that similarly situated persons had filed Writ A No.8366 of 2017, Dr. Om Prakash Gupta & Anr. versus State of U.P. & Anr. which has been allowed by means of judgment and order dated 06.05.2022. It has also been affirmed that in Special Appeal Defective No.272 of 2022 vide judgment and order dated 15.03.2023. It is further submitted that petitioner is covered by the aforesaid judgment and therefore he has preferred representation dated 27.07.2023 to the opposite parties sent through speed post. At present learned counsel for petitioner restricts his prayer for a final decision with regard to same.

Considering the aforesaid submissions advanced by learned counsel for petitioner, without entering into the merits of the case, opposite party No.1 i.e. Additional Chief Secretary, Finance (Samanya Anubhag-3) U.P. Civil Secretariat, Lucknow is directed to consider and decide the aforesaid representation dated 27.07.2023 by reasoned and speaking order within a period of eight weeks from the date a certified copy of this order is produced before said authority alongwith a copy of representation and a copy of judgment and order dated 06.05.2022 passed in the case of Dr. Om Prakash Gupta (supra). The said opposite parties shall also consider the representation

of petitioner in the light of aforesaid judgment in the case of Dr. Om Prakash Gupta in case the same is applicable.

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

**Order Date :- 16.12.2023**

Subodh/-