

Court No. - 20

Case :- WRIT - A No. - 9812 of 2023

Petitioner :- Mrityunjay Pandey

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Food Civil Supplies, U.P. Civil Sectt. Lko. And 2 Others

Counsel for Petitioner :- Raj Kumar Upadhyaya
(R.K.Upadhyaya)

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

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

2. Petition has been filed seeking following relief:-

"(i) to issue a writ, order or direction in the nature of mandamus commanding the opposite parties to count the ad hoc service rendered by the petitioner on the post of Godown Keeper along with regular service for the purposes of post retirement benefits, and thereby provide pension, gratuity and encashment to the petitioner along with arrears, with interest, in the light of judgment and order 17.02.2023 passed by this Hon'ble Court in a bunch of writ petition with leading Writ 'A' No. 8968 of 2022 (Dr. Shyam Kumar vs. State of U.P. & Others).

(ii) to pass such other order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case and

(iii) allow the writ petition with costs in favour of the petitioner."

3. It has been submitted that in pursuance of aforesaid judgment rendered in the case of Dr. Shayam Kumar (supra), benefit has already been provided to a person junior to petitioner namely Rajeev Kumar Tiwari in Writ-A No. 1288 of 2022 which has been decided by means of order dated 09.03.2022. It is submitted that petitioner is also entitled for the same benefit.

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

5. Considering the innocuous prayer, without entering into merits, liberty is granted to petitioner to file a fresh representation before opposite party no. 2 i.e. Commissioner, Food & Civil Supplies, U.P. Jawahar Bhawan, Lucknow or any

other competent authority 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. In the light of judgments indicated hereinabove, in case petitioner is similarly situated as him.

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

Order Date :- 20.12.2023

Satish