

Court No. - 20

Case :- WRIT - A No. - 9842 of 2023

Petitioner :- Dr. Ramesh Chandra

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Ayush Aunbhag-1
Janpath -2 Lko. And 4 Others

Counsel for Petitioner :- Ashok Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard Sri Ashok Kumar Mishra, learned counsel for the petitioner as well as learned Standing Counsel who has put in appearance on behalf of the opposite parties.
2. It has been submitted on behalf of the petitioner that the petitioner was duly appointed on the post of Medical Officer on 18.06.1988, in pursuance thereof he joined on 08.07.1988 in pursuance thereof.
3. It is stated that the petitioner was selected in accordance with the Rules and against the clear vacancies. It is further stated that the services of the petitioner were regularized vide order dated 16.03.2005 and has been superannuated on 31.7.2022 from Rajkiya Ayurvedic Chikitsalaya, Chandausi, District Sambhal.
4. The grievance raised in the present petition is with regard to the non-payment of post retiral dues and pensionary benefits counting their ad-hoc service rendered by them in the Department towards grant of pension and other post retiral dues along with the arrears and interest.
5. It has been submitted by the learned counsel for the petitioner that in similar circumstances a Coordinate Bench of this Court has the case of Dr. Ram Sharan Tripathi Vs. State of U.P. and others passed in Writ-A No.15529 of 2018 on 15.09.2021 and while allowing the writ petition had held that the services rendered by the petitioner therein on ad-hoc basis would be counted towards qualifying service and consequently the petitioner was held to be entitled for pension. While allowing the said writ petition, this Court had considered the provisions of the U.P. Qualifying Service for pension and Validation Act, 2021.
6. Learned counsel for the petitioner, at this stage, submits that the grievance of the petitioner shall be substantially redressed in case opposite party no.1 is directed to consider and decide the representation of the petitioner dated 23.11.2023, contained as

Annexure No.4 to the petition expeditiously.

7. Learned Standing Counsel appearing on behalf of the State has no objection to the prayer made by learned counsel for the petitioners.

8. In view of above, the present writ petition is disposed of finally with a direction to the opposite party no.1/Appar Chief Secretary, Ayush Anubhag-I, Government of U.P. Lucknow to consider and decide the representation of the petitioner dated 23.11.2023, contained as Annexure No.4 to the petition by a reasoned and speaking order in the light of the judgment of this Court in the case of Dr. Ram Sharan Tripathi Vs. State of U.P. and others; Writ-A No.15529 of 2018 expeditiously, say, within a period of eight weeks from the date a certified copy of this order is placed before him.

Order Date :- 21.12.2023

Subodh/-