

Court No. - 7

Case :- WRIT - A No. - 3076 of 2014

Petitioner :- Mamchand Singh And 5 Ors.

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekher Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 1796 of 2014

Petitioner :- Pratap Babu Sharma

Respondent :- State Of U.P. Through Prin. Secy. Deptt. Of Transport Lko. And

Counsel for Petitioner :- Ghaus Beg,Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 1909 of 2014

Petitioner :- Hari Nath Tewari

Respondent :- State Of U.P.Throu.Its Secy.Deptt.Of Transport Lko.And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Ratnesh Chandra\

alongwith

Case :- WRIT - A No. - 1963 of 2014

Petitioner :- Hari Narain Pandey

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 2014 of 2014

Petitioner :- Jaswant Singh

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 2114 of 2014

Petitioner :- Mohammad Rasheed

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And

Ors.

Counsel for Petitioner :- Ghaus Beg,Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 2116 of 2014

Petitioner :- Ram Shankar Mishra

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg,Anuja Bajpai,Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 2117 of 2014

Petitioner :- Devi Dutt Shukla

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Ratnesh Chandra\

alongwith

Case :- WRIT - A No. - 2118 of 2014

Petitioner :- Mohammad Islam Khan And Another

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey

alongwith

Case :- WRIT - A No. - 2123 of 2014

Petitioner :- Roadwayas Pensioners Association U.P. Thru Its General Secy.

Respondent :- State Of U.P. Thru Its Secy.Deptt.Of Transport Lucknow And Ors

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey

alongwith

Case :- WRIT - A No. - 2153 of 2014

Petitioner :- Asha Ram Mishra

Respondent :- State Of U.P.Throu.Its Secy.Deptt.Of Transport Lko.And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekher Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 2259 of 2014

Petitioner :- Mushequr Rehman Siddiqui

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg, Ghaus Beg

Counsel for Respondent :- C.S.C., Chandra Shekhar Pandey, Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 2332 of 2014

Petitioner :- Narendra Singh Gaur

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C., Chandra Shekhar Pandey

alongwith

Case :- WRIT - A No. - 2451 of 2014

Petitioner :- Altaful Hasan

Respondent :- State Of U.P. Thru Its Secy. Deptt. Of Transport Lucknow And Ors.

Counsel for Petitioner :- Ghaus Beg, Ghaus Beg

Counsel for Respondent :- C.S.C., Chandra Shekhar Pandey, Chandra Shekhar Pandey, Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 2570 of 2014

Petitioner :- Ram Jus Verma

Respondent :- State Of U.P. Road Transport Corp. Through Manager Director

Counsel for Petitioner :- Bhola Singh Patel, Alok Kumar, Guru Sharan Lal Verma, Pradeep Kumar Srivastava, Praveen Kumar Verma, Pravin Kumar Verma, Satyendra Nath Pandey, Vibhu Shankar, Vinod Kumar Singh

Counsel for Respondent :- Chandra Shekhar Pandey, Chandra Shekhar Pandey, Puneet Kumar Sharma, Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 2760 of 2014

Petitioner :- Kiran Devi Sharma

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C., Chandra Shekhar Pandey

alongwith

Case :- WRIT - A No. - 2763 of 2014

Petitioner :- Viqar Ahamed Khan

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C., Chandra Shekhar Pandey

alongwith

Case :- WRIT - A No. - 2765 of 2014

Petitioner :- Amanatullah

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey

alongwith

Case :- WRIT - A No. - 2775 of 2014

Petitioner :- Mahabir Prasad Tiwari

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 2796 of 2014

Petitioner :- Pratap Singh And 12 Ors.

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Chandra Shekher Pandey

alongwith

Case :- WRIT - A No. - 2798 of 2014

Petitioner :- Shaukat Ali And 12 Ors.

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Chandra Shekher Pandey

alongwith

Case :- WRIT - A No. - 2815 of 2014

Petitioner :- Raees Ahmad

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey

alongwith

Case :- WRIT - A No. - 3107 of 2014

Petitioner :- Jagdish Singh Saini And 7 Ors.

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey

alongwith

Case :- WRIT - A No. - 3173 of 2014

Petitioner :- Buddh Prakash Bhama And 16 Ors.

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekher Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 3220 of 2014

Petitioner :- Smt. Sagheer-Un-Nisa

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey

alongwith

Case :- WRIT - A No. - 3222 of 2014

Petitioner :- Manohar Babu Sharma And 14 Ors.

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey\

alongwith

Case :- WRIT - A No. - 3261 of 2014

Petitioner :- Sudesh Kumar And 17 Ors.

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekher Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 3262 of 2014

Petitioner :- Shiv Kumar Sharma And 19 Ors.

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey

alongwith

Case :- WRIT - A No. - 3405 of 2014

Petitioner :- Siya Ram Singhal And 4 Ors.

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey

alongwith

Case :- WRIT - A No. - 3480 of 2014

Petitioner :- Kashmiri Devi

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekher Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 3560 of 2014

Petitioner :- Anis Ahmad

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Chandra Shekher Pandey

alongwith

Case :- WRIT - A No. - 4608 of 2014

Petitioner :- Rajendra Singh And 12 Ors.

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg,Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey

alongwith

Case :- WRIT - A No. - 4676 of 2014

Petitioner :- Shripati Sahaya

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,C.S.Pandey

alongwith

Case :- WRIT - A No. - 4958 of 2014

Petitioner :- Smt. Shanti Devi

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey

alongwith

Case :- WRIT - A No. - 5254 of 2014

Petitioner :- Ratan Lal And 6 Ors.

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 5255 of 2014

Petitioner :- Smt. Raj Bala And 3 Ors.

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekher Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 5257 of 2014

Petitioner :- Smt. Birma Devi

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey

alongwith

Case :- WRIT - A No. - 5258 of 2014

Petitioner :- Nawab Singh And 3 Ors.

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekher Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 5369 of 2014

Petitioner :- Nanak Chand Kaushik

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey

alongwith

Case :- WRIT - A No. - 5628 of 2014

Petitioner :- Omkar Sharma

Respondent :- State Of U.P. Thru The Secy.Deptt.Of Transport Lko.And Others

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 6731 of 2014

Petitioner :- Suraj Bhan Sharma And 4 Ors.

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekher Pandey,Ratnesh

Chandra

alongwith

Case :- WRIT - A No. - 6733 of 2014

Petitioner :- Singhram Singh

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 6885 of 2014

Petitioner :- Brij Kishore Dwivedi

Respondent :- State Of U.P. Thru. Its Secy. Deptt. Of Transport And Ors..

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekher Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 6941 of 2014

Petitioner :- Omveer Singh

Respondent :- State Of U.P. Thru Its Secy.Deptt.Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 7109 of 2014

Petitioner :- Mohammad Rafique

Respondent :- State Of U.P. Thru Its Secy.Deptt.Of Transport Lko. And Anr.

Counsel for Petitioner :- Ghaus Beg,Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 7184 of 2014

Petitioner :- Ram Lautan Gupta

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg,Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey

alongwith

Case :- WRIT - A No. - 7292 of 2014

Petitioner :- Smt. Mahandri Devi And 6 Ors.

Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg
Counsel for Respondent :- C.S.C.,Chandra Shekher Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 7540 of 2014
Petitioner :- Abdul Haque
Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.
Counsel for Petitioner :- Ghaus Beg
Counsel for Respondent :- C.S.C.,Chandra Shekher Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 491 of 2015
Petitioner :- Smt. Sarla Sharma
Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.
Counsel for Petitioner :- Ghaus Beg
Counsel for Respondent :- C.S.C.,Chandra Shekher Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 570 of 2015
Petitioner :- Gopi Krishna Mehrotra
Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.
Counsel for Petitioner :- Ghaus Beg
Counsel for Respondent :- C.S.C.,Chandra Shekhar Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 808 of 2015
Petitioner :- Krishna Dutt
Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.
Counsel for Petitioner :- Ghaus Beg
Counsel for Respondent :- C.S.C.,Chandra Shekher Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 810 of 2015
Petitioner :- Harbeer Singh
Respondent :- State Of U.P. Through Secy. Deptt. Of Transport Lko. And Ors.
Counsel for Petitioner :- Ghaus Beg
Counsel for Respondent :- C.S.C.,Chandra Shekher Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 1176 of 2015

Petitioner :- Tejveer Singh

Respondent :- State Of U.P. Thru Its Secy.Deptt.Of Transport Lko. And Ors.

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Chandra Shekher Pandey,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 4706 of 2017

Petitioner :- S.M. Fazil

Respondent :- State Of U.P. Thru Secy.Deptt.Of Transport Lucknow And Others

Counsel for Petitioner :- Ghaus Beg

Counsel for Respondent :- C.S.C.,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 27312 of 2017

Petitioner :- Prahlad Narayan Jaiswal

Respondent :- State Of U.P. Thru Secy.Deptt.Of Transport Civil Sectt.Andors.

Counsel for Petitioner :- Vinay Misra

Counsel for Respondent :- C.S.C.,Akhilesh Kumar Srivastava,Akhter Abbas,Ratnesh Chandra

alongwith

Case :- WRIT - A No. - 28475 of 2017

Petitioner :- Saleem Akhtar

Respondent :- State Of U.P. Thru Prin.Secy.Transport Deptt.Lko. And Ors.

Counsel for Petitioner :- Raj Kumar Singh,Jai Narayan Mishra

Counsel for Respondent :- C.S.C.,Ratnesh Chandra

alongwith

Petitioner :- Rama Devi

Respondent :- State Of U.P. Thru. Secy. Deptt. Transport, Govt. U.P. Lucknow And 3 Others

Counsel for Petitioner :- Rahul Roshan Dubey,Ghanshyam Shukla

Counsel for Respondent :- C.S.C.,Ratnesh Chandra

Hon'ble Alok Mathur,J.

1. Heard Shri Ghaus Beg, learned counsel for the petitioners, learned Standing Counsel for the respondents no. 1 & 2 and Shri Ratnesh Chandra, learned counsel for the respondents no. 3 and 4.

2. Learned counsel for the parties contends that the issue

involved in these writ petitions are the same. As such, the Court proceeds to hear all the writ petitions together. For convenience, facts of WRIT - A No - 3076 of 2014 are being taken.

3. The grievance raised by the petitioners in the present writ petitions is regarding admissibility of pension. It is submitted that the petitioners were initially the employees of the State of Uttar Pradesh and were working under transportation department of Government of Uttar Pradesh. Subsequently, the State of Uttar Pradesh started operating transport service in the name of Uttar Pradesh State Roadways and commenced commercial operation of bus service. Subsequently the State of Uttar Pradesh created Uttar Pradesh State Road Transport Corporation (hereinafter referred to as the U.P.S.R.T.C.) to look after the transport needs of the State and the employees like petitioners and others working under the Uttar Pradesh State Roadways were sent on deputation to the newly created U.P.S.R.T.C. The dispute in the present case is as to whether persons who are employees of Government of Uttar Pradesh and whose services were subsequently transferred to U.P.S.R.T.C. would be entitled for the benefit of pension on their attaining the age of superannuation.

4. The claim of the petitioners were duly considered by U.P.S.R.T.C. and by means of impugned order dated 18.03.2014 their claim was rejected on the ground that the petitioners were appointed prior to issuance of government order dated 28.10.1960 in the erstwhile Uttar Pradesh State Roadways but were declared confirmed / permanent employees only after the said government order. The second ground was that Regulation 39 of the Uttar Pradesh State Road Transport Corporation Employees (other than Officers) Service Regulations, 1981 (hereinafter referred to as the Regulations 1981) are not

applicable after enforcement of the Uttar Pradesh State Organization (Abolition of Posts and Absorption of Employees) Rules, 1982 (hereinafter referred to as the Rules 1982). Lastly, it was stated that the petitioners case was not covered by judgement and order of this Court dated 29.11.2010 passed in **Special Appeal No. 813 of 2010 in re: U.P. State Road Transport Corporation vs Mirza Athar Beg and others.**

5. Assailing the impugned order it has vehemently been submitted by Shri Ghaus Beg, learned counsel for the petitioners that considering the provisions of Article 350 of U.P. Civil Service Regulations, Regulation 39 of the Regulations 1981 as well as the government order issued in this regard clearly demonstrate that the petitioners are entitled for pension on attaining the age of superannuation.

6. It has been jointly submitted by learned counsel for the petitioners as well as learned counsel for the respondents that the controversy in question stand settled by Hon'ble Supreme Court vide order dated 26.07.2024 in the case of **U.P. Roadways Retired Officials an Officers Association vs State of U.P. an others** passed in **Civil Appeal No. 894 of 2020.**

7. This Court has heard learned counsel for the parties at length and also perused the judgement of Hon'ble Supreme Court in the case of **U.P. Roadways Retired Officials and Officers Association (supra).**

8. This Court is of the view that Hon'ble Supreme Court in the case of **U.P. Roadways Retired Officials an Officers Association (supra)** had also considered the issue pertaining to admissibility of pension to the petitioners therein who are similarly circumstanced as the petitioners in the present writ petitions. Paragraph 5 of the aforesaid judgement would clearly

indicate that Hon'ble Supreme Court was considering the aspect of admissibility of pension to the petitioners therein. While deciding the said case Hon'ble Supreme Court has considered the provisions of government orders dated 01.06.1972 and 05.07.1972 as well as Article 350 U.P. Civil Services Regulations, especially Note 3.

9. Further even the provisions of Regulations 39 of Regulations 1981 have duly been considered before arriving at the conclusion recorded in paragraph 49 of the aforesaid judgement, which for the sake of convenience is reproduced below:

"49. We have already discussed the legal effect of the GOs dated 07.06.1972 and 05.07.1972 read along with Clause (4) of Regulation 39 of the Regulations, 1981. To reiterate, only those employees of the State Government working in the Roadways who have opted for services of the Corporation shall be entitled for pension and other retirement benefits in terms of GO dated 05.07.1972. However, other employees of the Corporation shall not be entitled to pension, but they shall be entitled to the retirement benefits mentioned in sub- Regulations (1) and (2) of Regulation 39. Thus, it is amply clear that only State Government employees absorbed in the Corporation shall be entitled to pension, "phrase that their service conditions shall not be inferior to the conditions as were available under the Government" would be applicable to the State Government employees for the purposes of according benefit of pension. The employees of Roadways who were not holding any pensionable post prior to their deputation or absorption in the Corporation, are not entitled to pension, as their service conditions in the erstwhile Roadways did not provide that they are entitled to pension. Thus, they have not been put to any inferior service conditions on their joining the services in the Corporation. In our considered opinion, the Division Bench of the High Court was not correct in holding that the members of the RKSP are entitled to pension even if they have been promoted after the cutoff date of 27.08.1982."

10. Accordingly, this Court is of considered view that once the matter has been decided by Hon'ble Supreme Court in the case of **U.P. Roadways Retired Officials an Officers Association (supra)** and all relevant rules and statutory provisions have been considered, there is no scope for taking any other view than as has been taken by Hon'ble Supreme Court and accordingly the present bunch of writ petitions wherein similar issue regarding admissibility of pension has arisen are decided in terms of judgement of Hon'ble Supreme Court in the aforesaid case.

11. In the light of the above, this Court does not find any merit in the writ petitions and the judgement of Hon'ble Supreme Court in the case of **U.P. Roadways Retired Officials an Officers Association (supra)** would govern the case of the petitioners in this bunch of writ petitions also.

12. Keeping in view the aforesaid discussion, the writ petitions are **dismissed**.

Order Date :- 1.10.2024

J. K. Dinkar

(Alok Mathur, J)