

Chief Justice's Court

Case :- SPECIAL APPEAL No. - 6 of 2012

Appellant :- State of U.P. Through Its Prin. Secy. P.W.D. and others

Respondent :- Rakesh and others

Counsel for Appellant :- C.S.C. Anand Kumar Singh (A.C.S.C)

Counsel for Respondent :- D.M.Tripathi

Hon'ble Arun Bhansali, Chief Justice

Hon'ble Jaspreet Singh, J.

1. None is present for the respondents from several dates.
2. The appeal is directed against the order dated 28.08.2006 passed by the learned Single Judge in Writ Petition No. 7326 (S/S) of 2006 whereby the learned Single Judge following the order in Writ Petition No.3932 (S/S) of 2004 (Ram Narayan Srivastava and Others vs. State of U.P. and others) decided on 13.09.2005, allowed the writ petition and granted the same benefit to the respondents.
3. Learned counsel for the Appellants-State submits that the judgment in the case of Ram Narayan Srivastava which have been followed by the learned Single Judge has been reversed by the Division Bench in State of U.P. vs. Ram Narayan Srivastava in Special Appeal No.57 of 2006 decided on 27.10.2017.
4. Further submissions have been made that against the said judgment, **Civil Appeal Nos. 844-853 of 2018; (Sunder Lal and Ors. vs State of U.P. and others)** were filed before Hon'ble the Supreme Court wherein, though, the appeals have been dismissed, certain directions have been given and, therefore, in light of the directions given by Hon'ble the Supreme Court, the present appeal may also be disposed of. Hon'ble the Supreme Court in the case of **Sunder Lal (supra)** inter alia observed and directed as under:-

"We are not inclined to interfere with the impugned judgment, which follows several judgments of this Court including State of Punjab & Others. vs. Jagjit Singh & Others (2017) 1 SCC 148.

The appellants/petitioners will not be entitled to pay scale(s) as per the directions issued by the learned single Judge in Writ Petition no. 3932/2004 and other connected matters, which petitions will be treated as dismissed.

It is pointed out that about 90% of the appellants/ petitioners have retired. In view of the aforesaid, while we dismiss the present appeals and the special leave petition(s), we also deem it appropriate to direct that the respondent – State of Uttar Pradesh will not recover the excess payment, if any, already made to the appellants/petitioners. However, the respondent - State of Uttar Pradesh will be entitled to re-fix the pay-scale(s) and the pension of the appellants/petitioners in accordance with the pay-scale(s). Calculations/computation of the pay-scale(s) and pension will be communicated to the appellants/petitioners, who, if aggrieved by the calculations/computation, can make a representation to the Government of Uttar Pradesh. The said representation(s), if made, will be examined and decided in accordance with law.

This order will apply to the appellants/petitioners who have preferred the present appeals, the special leave petition, filed application for impleadment, and all others including those who may not have preferred any appeal/special leave petition/application for impleadment before this Court. The civil appeals and the special leave petition(s) are dismissed in the aforesaid terms.

Pending application(s), if any, shall stand disposed of."

6. In view of the submissions made, the appeal filed by the State is **disposed of** in terms of the directions issued by Hon'ble the Supreme Court in the case of **Sunder Lal (supra)**.

Order Date :- 18.12.2024

Harshita/Asheesh/-

(Jaspreet Singh, J.) (Arun Bhansali, CJ.)