Court No. - 6

Case :- WRIT - A No. - 9522 of 2024

Petitioner :- Rajendra Bahadur Singh And 4 Others
Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Revenue Lko. And 3 Others
Counsel for Petitioner :- S.P. Singh Somvanshi
Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard Sri S.P. Singh Somvanshi, learned counsel for the petitioners as well as learned Standing Counsel for the respondents.

2. By means of present writ petition the petitioner has prayed for following reliefs:

"*(i) Issue a writ, order or direction in the nature of Mandamus commanding the respondents to provide the pension as well as pensionary benefits from the date of retirement after computed/added the service of seasonal collection Amin (from the date of initial appointment) in light of judgment and order dated 07.05.2024 passed by the Hon'ble Supreme Court in Civil Appeal No.(s) 6118/2024 (Satyendra Prakash Mani Tripathi Vs. State of U.P. and others), judgment and order dated 6.9.2021 passed in Writ A No.41962 /2016 (Braj Mohan Sharma and 3 others Vs. State of U.P. and others) and the judgment and order dated 08.10.2021 passed in the case of Kaushal Kishore Chaubey Vs. State of U.P. and others passed in Writ-A No.5817 /2020.*

(ii) Issue a writ, order or direction in the nature of mandamus commanding the Opposite Parties to give all consequential benefits after adding the service of seasonal collection Amin of the petitioner as like ACP, increment, arrears etc. in the interest of justice."

3. It has been submitted by learned counsel for the petitioners that the petitioners were appointed on the post of Seasonal Collection Amin on 1.5.1985, 8.3.1986, 21.1.1989, 7.7.1986 and 8.7.1996 respectively in District Pratapgarh. Their names find mention in the select list prepared on 13.4.2012, 21.5.2016, 26.5.2015, 25.1.2016 and 2.5.2016 of Seasonal Collection Amin of District Pratapgarh and in the year 2016, their services were regularised in pay scale of Rs.5200-20,200 with grade pay of

Rs.2000/-. Subsequently the petitioners superannuated from service on on 30.4.2023, 28.2.2022, 31.7.2022, 31.12.2023 and 31.12.2023 respectively.

4. It is submitted by learned counsel for the petitioners that they had given representations to the respondents for adding their services rendered by them while working as Seasonal Collection Amin and grant pension and other post retiral benefits. As the case of the petitioners and other similarly situated employees was not considered by the authorities, they approached this Court by filing Writ Petition No. 16134 (S/S) of 2020, which was disposed of by means of order dated 15.10.2020, directing the District Magistrate, Ambedkar Nagar to consider and decide representation expeditiously by reasoned and speaking order.

5. In compliance of directions issued by this Court dated 15.10.2020, representation of the other similarly situated persons was considered by the respondents and the same was rejected by order dated 26.12.2020, on the ground that they never worked as regular employee either on temporary or daily wage or as work charge employee and consequently the services rendered as Seasonal Collection Amin cannot be counted towards grant of pension and accordingly rejected the representation.

6. Learned counsel for the petitioner submits that not providing the benefit of the judgment of this Court in the case of ***Kaushal Kishore Chaubey and 4 Others Vs. State of U.P. and 2 Others, Writ -A No. 5817 of 2020*** (decided on 08.10.2021) is illegal and arbitrary as well as contrary to the law laid down in aforesaid judgment and order.

7. It is stated that persons similarly placed who were initially appointed as Seasonal Collection Amin, had approached this Court for similar relief. This Court after considering entire conspectus of the matter has given following finding :-

"24. In view of the above discussion and given the law elucidated by the Apex Court as well as by this Court in various pronouncements referred above, the services rendered by the petitioners as Seasonal Collection Amin cannot be ignored for extending the benefits of pension and other retiral benefits to them on the pretext that their appointment is to be treated from the date of regularisation and nor from the date of their engagement as work charged employee.

25. Consequently, the writ petitioner is allowed. A writ of mandamus is issued to the respondent to compute pensionary

benefit payable to the petitioners after taking into account their entire service including the service rendered by them as Seasonal Collection Amin. The amount payable to the petitioners shall be computed within three months from the date of presentation of a copy of this order downloaded from the official website of Allahabad High Court, and the same shall be paid within the next two months. The respondents shall also continue to pay current pensionary benefits as and when the same fell due."

8. Learned Standing Counsel on the other hand has opposed the writ petition and has submitted that relief sought by the petitioners cannot be granted as the services rendered by them as Seasonal Collection Amin cannot be counted towards counting their length of service for pensionary benefits and the petitioners had never worked as regular employee. It is stated that the petitioners were appointed as Collection Amin on substantial capacity and their services rendered previously cannot be considered for grant of pensionary benefits and their regular services can be counted only from the date of their regularisation and not previously.

9. Heard learned counsel for the parties and perused the record.

10. It is noticed that coordinate Bench of this Court in the case of ***Kaushal Kishore Chaube***y (supra) has considered the entire conspectus of the controversy and has taken into consideration various judgments and in the case of similarly situated Seasonal Collection Amins has observed that the services rendered by them as Seasonal Collection Amin will also be counted towards calculation of pensionary benefits of such persons.

11. It is further noticed that on the previous date this Court had granted time to learned Standing Counsel to inform this Court as to whether judgment in the case of ***Kaushal Kishore Chaubey*** (Supra) has attained finality. Learned Standing Counsel submits that he could not obtain any instructions in this regard.

12. Considering that the case of the petitioners is squarely covered by the judgment of coordinate bench of this Court in the case of ***Kaushal Kishore Chaubey*** (supra) and there is no reason as to why same benefit cannot be granted to the petitioners. Accordingly, present writ petition is liable to be allowed in terms of the directions issued in the case of Kaushal Kishore Chaubey (supra).

13. In view of the above, the services rendered by the petitioners as Seasonal Collection Amin cannot be ignored for

extending the benefits of pension and other retiral benefits to them on the pretext that their appointment is to be treated from the date of regularisation and not from the date of their engagement as work charged employee.

14. Consequently, the writ petitioner is **allowed**. A writ of mandamus is issued to the respondents to compute pensionary benefit payable to the petitioners after taking into account their entire service including the services rendered by them as Seasonal Collection Amin. The amount payable to the petitioners shall be computed within three months from the date of presentation of certified copy of this order and the same shall be paid to them within the next two months. The respondents shall also continue to pay current pensionary benefits as and when the same fell due.

(Alok Mathur, J.)

Order Date :- 21.10.2024
RKM.

Digitally signed by :-
RAKESH KUMAR MAURYA
High Court of Judicature at Allahabad,
Lucknow Bench