

Court No. - 6

Case :- WRIT - A No. - 12331 of 2024

Petitioner :- Bhagwandeem

Respondent :- State Of U.P. Thru. Thru. Addl. Chief Secy. Lok
Nirman Vibhag Lko. And 3 Others

Counsel for Petitioner :- Anand Mani Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard Sri Anurag Tripathi, learned counsel for the petitioner as well as learned Standing Counsel for the respondents.

2. By means of this petition, the petitioner has prayed the following reliefs:-

"i) Issue a writ, order or direction in the nature of Mandamus Commanding the Opposite Parties to provide the pension along with all consequential benefits after including/adding the service rendered by the petitioner under the work charge establishment as qualifying service for all services, in terms of judgment and order dated 02.09.2019 passed in Civil Appeal No. 6798 of 2019 (Prem Singh Vs. State of U.P. and others).

ii) Issue a writ, order or direction in the nature of Mandamus Commanding the Opposite Parties to consider the case of the petitioner for providing pay scale, ACP and all other consequential benefits by considering the service of the petitioner under the work charge establishment in the light of judgment dated 02.09.2019 passed by the Hon'ble Supreme Court.

iii) Pass any other suitable order or directions which this Hon'ble Court may deem fit, just and proper in the interest of justice.

iv) Award the cost of the writ petition."

3. Attention has been drawn towards Annexure No. 10, which is an order dated 07.12.2023 passed by the Apex Court in bunch of Special Leave Petitions, wherein, the fact has been considered by the Apex Court that the State Government is ready and willing to comply with the common judgement and order dated 02.09.2019 in respect of the contempt petitioners. The learned counsel has further submitted that pursuant to the aforesaid undertaking being given before the Apex Court, the State Government/competent authority has passed the consequential orders making compliance of the order of the

Apex Court. It is further submitted that the petitioners approached the competent authority for redressal of his grievance but to no avail, as no appropriate orders have been passed. Therefore liberty may be given to the petitioners to approach the opposite party no. 1 preferring a fresh representation and direction may be issued to decide the same strictly in accordance with law, with expedition.

4. Learned counsel for the petitioner has drawn attention of this Court towards one letter dated 15.6.2024 preferred by the Executive Engineer, Karya Prabharit Adhistan Prakoshta on behalf of Engineer-in-Chief, Irrigation Department addressing to all concerned Executive Engineers apprising that the payment of pension to all the employees who are the petitioners in re: Prem Singh has been made and who are not petitioners in the petition in re: Prem Singh shall also be entitled for the same benefit, therefore, those employees may also be provided the same benefit on the basis of principles of parity. The letter dated 15.6.2024 is taken on record.

5. Learned counsel for the petitioner has also submitted that the authorities are making payment of pension to similarly placed employees, therefore, the same benefit may be provided to the petitioners.

6. Therefore, in view of the above, without entering into merits of the issue, I hereby **dispose of** this petition finally at the admission stage giving liberty to the petitioner to prefer a fresh representation to the opposite party no. 1, i.e., State of U.P. through the Principal Secretary, P.W.D. Department, Civil Secretariat U.P., Lucknow ventilating his grievance taking all pleas and grounds which are available with him enclosing therewith the copy of his earlier representation, if any, which are necessary for disposal of the representation within a period of ten days' from today and if such representation is preferred by the petitioner within the aforesaid stipulated time, the authority concerned shall consider and dispose of the same strictly, by speaking and reasoned order in accordance with law after affording an opportunity of hearing to the petitioner, if it is so required, with expedition preferably, within a period of six weeks from the date of receipt of certified copy of this order and the decision thereof shall be intimated to the petitioner forthwith.

7. It is needless to say that if the petitioners enclose the copy of the aforesaid letter dated 15.6.2024, the authority concerned shall look into the aforesaid letter while disposing of the representation of the petitioners.

Order Date :- 18.12.2024/A. Verma

(Alok Mathur, J.)