

(2011) 10 AHC CK 0172
In the Allahabad High Court
Case No : Writ - A No. - 61415 of 2011

Alok Pathak

APPELLANT

Vs

The State Of U.P. And Others

RESPONDENT

Date of Decision : 21-10-2011

Acts Referred:

Citation : (2011) 10 AHC CK 0172

Hon'ble Judges : Vineet Saran, J;Ran Vijai Singh, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Heard learned counsel for the petitioner as well as learned Standing Counsel appearing for the State respondents and have perused the record.

2. In view of the nature of the order, which is being passed, this petition is being disposed of without issuing notice to respondent no. 3. However, if the said respondent no. 3 is so aggrieved, it shall have liberty to file an application for modification, recall or variation of this order.

3. The controversy in this petition has been settled by Division Bench of Lucknow Bench of this Court in Writ Petition No. 1175(S/B) of 2009 (Dr. Gaurav Mishra vs. State of U.P. Thru Prin. Secy. Higher Education & Others) by judgement and order dated 22.12.2010. We are thus of the view that this petition can also be disposed of in terms of the said judgement.

4. Paragraphs 28 and 29 of the said judgement are reproduced as under:

28. Since in the case of Km. Renu Tiwari, the Division Bench has decided the claim of part time lecturers with regard to payment of regular salary, it is not open now, to reconsider the same aspect of the matter in these bunch of writ petitions. All part time lecturers shall be entitled for payment of salary in terms of judgment given in the case of Km. Renu Tiwari(supra).

29. In view of the above, we allow the writ petition in part maintaining the order

in question subject to observations made herein above. The petitioners shall be entitled to be considered for regularisation in pursuance of directions issued in Anurag Tripathi(supra). So far as the payment of salary is concerned, all the similarly situate candidates shall be entitled for salary in terms of Km. Renu Tiwari's case(supra).

5. Accordingly, we dispose of this writ petition finally in terms of judgement and order dated 22.12.2010 passed by the Lucknow Bench of this Court in the Writ Petition No. 1175(S/B) of 2009 (Dr. Gaurav Mishra vs. State of U.P. Thru Prin. Secy. Higher Education & Others), directing the opposite parties to consider petitioner's case for continuance in service, payment of wages and his regularization, keeping in view the observations made in the aforesaid Division Bench's judgment.

No order as to costs.