
(2011) 12 AHC CK 0452
In the Allahabad High Court
Case No : Service Single No. - 9273 of 2011

Chhotey Lal and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 22-12-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 12 AHC CK 0452

Hon'ble Judges : Anil Kumar, J

Bench : Single Bench

Judgement

Hon"ble Anil Kumar, J.—Heard learned counsel for petitioner, learned standing counsel and perused the record.

2. With the consent of learned counsels for the parties present today, the present writ petition is finally disposed of at the admission stage.

3. Brief facts of the present are that petitioners who are working on the post of Subordinate Agriculture Service (S.A.S.) Group-III as Assistant Agriculture Inspector filed present writ petition with the prayer that opposite parties may be directed to consider and give promotion to the petitioners on the post of post of Subordinate Agriculture Service (S.A.S.) Group-III from the date when juniors had been given promotion or due date and pay all the difference in salary plus twelve percent interest thereon along with all consequential service benefits.

4. Learned counsel for petitioner submits that the matter which is involved int he present case was under consideration before this Court in Writ Petition NO. 6475 (SS) of 2011 (Bhagwat Prasad Tripathi and others Vs. State of U.P. and others), finally disposed of by an order dated 15.09.2011, which on reproduction reads as under:0

Notice on behalf of opposite parties has been accepted by the learned Chief Standing Counsel.

The petitioners have approached this Court under Article 226 of the Constitution of India with the grievance that they are entitled for the promotional pay-scale from the date their juniors were given in Subordinate Agriculture Services Group-II (Class-III).

It is not disputed at the Bar that identical controversy has been settled at rest vide judgment and order dated 19.05.2006, passed in Writ Petition No.6368 (S/S) of 1997.

The operative portion of the judgment and order dated 19.05.2006 is reproduced as under:-

In the result, the writ petition succeeds and is allowed. The order dated 03.03.1998 are hereby quashed and the respondents are directed to consider the claim of the petitioners to the post of S.A.S. Group-II w.e.f. the date the juniors to the petitioners have been promoted. Since the petitioners have retired from service and they are losers of pensionary benefits on account of non-consideration of their promotion, their cases for promotion be considered with all consequential benefits within a period of two months, from the date a certified copy of this order is produced before the authority concerned. No order as to costs.

In view of the above, it is not necessary to deal with the entire controversy at length again.

This writ petition is, therefore, disposed of finally in terms of the judgment & order dated 19.05.2006, passed in Writ Petition No. 6368 (SS) of 1997. The petitioners shall also be entitled for service benefits provided by this Court while deciding the controversy vide judgment and order dated 19.05.2006 (supra).

No order as to costs.

5. Accordingly, learned counsel for petitioner requests that the said benefit may be given to the present petitioners also.

6. Learned Standing Counsel has no objection in this regard.

7. For the foregoing reasons, writ petition is disposed of finally in terms of the judgment & order dated 19.05.2006, passed in Writ Petition No. 6368 (SS) of 1997. The petitioners shall also be entitled for service benefits provided by this Court while deciding the controversy vide judgment and order dated 19.05.2006 (supra)

8. No order as to costs.