

(2010) 11 AHC CK 0361
In the Allahabad High Court
Case No : Service Bench No. 1451 of 2010

Dr. Yogendra Pratap Singh and Others	APPELLANT
Vs	
The State of U.P.	RESPONDENT

Date of Decision : 08-11-2010

Acts Referred:

Citation : (2010) 11 AHC CK 0361

Hon'ble Judges : Vedpal, J;Devi Prasad Singh, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Heard learned Counsel for petitioners, learned standing counsel and perused record.

2. It has not been disputed that present controversy is covered by the judgment of this Court, a copy of which has been filed as Annexure No. 5 collectively, to the writ petition. Though learned standing counsel submits that the judgment delivered by this Court is non-speaking, but we are of the view that the judgment rendered by a Coordinate Bench is binding upon other Bench of this Court and no different view may be taken. Moreover the order passed by this Court is innocuous. The writ petitioners of those petitions, have been permitted to work on the post in question on honorarium basis till regularly selected candidates are available subject to their satisfactory work and conduct and shall be paid honorarium regularly. The arrears of honorarium which have not yet been paid shall also be paid by the authority concerned. The operative portion of the judgment dated 1.3.2004 passed by a Coordinate Bench of this Court, in Writ Petition No. 327 (S/B) of 2004: Smt. Manjula Srivastava. v. State of U.P. and Ors., is reproduced as under:

The question regarding continuance of the petitioner as lecturer on honorarium basis till regularly selected candidates are available has already been considered in various writ petitions including writ petition No. 1394 of 2001 (SB) on

11.3.2001. A Division Bench of this Court while disposing of the writ petition directed that the petitioners of that writ petition shall be allowed to continue on the post of Lecturer till regularly selected candidates are available subject to their satisfactory work and conduct and shall be paid honorarium regularly. The learned Counsel for the State has not been able to indicate any distinguishing feature in the present case from the facts of the writ petition aforesaid.

We, therefore, dispose of this writ petition finally with a direction that the petitioner shall be allowed to work on the post in question on honorarium basis till regularly selected candidates are available subject to their satisfactory work and conduct and shall be paid honorarium regularly. The arrears of honorarium which have not yet been paid shall also be paid by the authority concerned, within one month from the date a certified copy of this order is produced before him.

The writ petition is disposed of accordingly.

3. Learned Counsel for the petitioners has invited attention of this Court towards several other identical judgments where this Court opined that such person appointed, in case, renders satisfactory service, shall be entitled to continue till regular selectees from the Commission join on the post.

4. Keeping in view the fact that the present controversy is covered by the judgment of the Coordinate Bench of this Court (*supra*), we decide the present writ petition in terms of the aforesaid judgment. The petitioners shall be permitted to continue on the post in question on honorarium basis till regularly selected candidates are available subject to their satisfactory work and conduct and shall be paid honorarium regularly. The arrears of honorarium which have not yet been paid shall also be paid by the authority concerned, within one month from the date a certified copy of this order is produced before him.

5. The writ petition is accordingly disposed of.