

(2009) 04 AHC CK 0484
In the Allahabad High Court

Ganesh Prakash And Others

APPELLANT

Vs

State of U.P.And Others

RESPONDENT

Date of Decision : 10-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0484

Hon'ble Judges : Arun Tandon, J

Final Decision : Allowed

Judgement

Arun Tandon, J.

Supplementary affidavit filed by Sri S.M. Haseeb, Special Secretary, Department of Justice, U.P. Civil Secretariat, Lucknow on behalf of Staterespondents be taken on record.

In the supplementary affidavit, an order passed by the Special Secretary dated 6th April, 2009, in compliance to the order of this Court dated 27th February, 2009, has been annexed as Annexure1. The order dated 6th April, 2009 amongst others records that the judgment and order passed by the Hon''ble High Court dated 21st December, 1993 in Writ Petition No. 1408 of 1993 (P.S. & P.A. Brotherhood, High Court, Allahabad & Anr. vs. State of U.P. & Ors.) directing payment of salary to the Personal Assistants in the payscale of Rs. 20003500 was obtained on incorrect information supplied to the Hon''ble High Court, therefore, the present petitioners cannot be granted same relief.

The statement so made does not appeal to this Court, inasmuch as if the order had been obtained by supplying incorrect facts, remedy available to the State was to either to file a review application or to challenge the same before the Hon''ble Supreme Court of India, which has not been done. Now when the State Government has already issued a Government Order dated 8th November, 2001 revising the salary of the Personal Assistants working in the Hon''ble High Court in terms of the said judgment dated 21st December, 1993, and similarly situate Personal Assistants are claiming salary with reference to the Government Order

so issued, stand of the Staterespondents, as noticed above, prima facie appears to be more contemptuous in nature, than of being any substance in the eyes of law.

At this stage, Sri V.K. Singh, learned Additional Advocate General seeks time to file a better affidavit after examining the aforesaid aspect of the matter. On his request, put up this matter on 24th April, 2009.