
(2012) 01 AHC CK 0776
In the Allahabad High Court
Case No : Writ A No. 49861 of 2004

Gyanendra Bihari Saxena

APPELLANT

Vs

State Of U.P. and Others

RESPONDENT

Date of Decision : 13-01-2012

Acts Referred:

Citation : (2012) 01 AHC CK 0776

Hon'ble Judges : Krishna Murari, J

Bench : Single Bench

Advocate : Anil Bhushan, Miss Anuradha Sundaram, for the Appellant; C.S.C., for the Respondent

Final Decision : Allowed

Judgement

Hon'ble Krishna Murari, J.—Heard Shri Anil Bhushan, learned counsel for the petitioner and learned Standing Counsel for the respondent. The petitioner earlier approached this Court by filing Writ Petition No. 7785 of 1998 claiming that in pursuance to the judgment passed by Lucknow Bench of this Court in Writ Petition No. 5497 of 1987 and the subsequent Government Order dated 3rd February, 1989 issued in pursuance to the said judgment, the petitioner is entitled for salary in the pay scale of Rs. 14002300/, which has since been revised to Rs. 45007000/ w. e.f. 1st January, 1986. The said writ petition was disposed of vide judgment and order dated 05.03.1998 directing the Director Ayurvedic Evam Unani Sevayen, U.P., Lucknow to consider and decide the representation of the petitioner made in this regard. By means of order dated 21.05.2004 impugned in this petition, the claim of the petitioner was rejected.

2. It is contended by the learned counsel for the petitioner that the claim was not considered on merits primarily on the ground that his services stood terminated vide order dated 16.06.1992 and he was working under the interim order of this Court passed in Writ Petition No. 24386 of 1992. It is further submitted that the services of the petitioner have been regularised vide order dated 02.07.2007 and thereafter the writ petition was dismissed as having become infructuous vide

order dated 15.04.2010. It is also submitted that once the services of the petitioner have been regularised, his claim in the revised pay scale is liable to be considered on merits.

3. From a perusal of the order dated 21.05.2004 impugned in this petition, it is apparent that the claim of the petitioner has not been considered on merits and once the services of the petitioner have been regularised, he is entitled for consideration of his claim on merits.

4. In view of the aforesaid facts and circumstances, the impugned order dated 21.05.2004 is not liable to be sustained and is hereby quashed. Writ petition stands allowed. Respondent no. 2 is directed to consider the representation of the petitioner afresh in accordance with law and decide the same by means of a reasoned and speaking order within a period of two months from the date of production of a certified copy of this order before him.