

(2012) 02 AHC CK 0124
In the Allahabad High Court
Case No : Service Single No. 662 of 2012

Murari Lal Sharma and Others	Vs	APPELLANT
State Of U.P. and Others		RESPONDENT

Date of Decision : 03-02-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 02 AHC CK 0124

Hon'ble Judges : Devendra Kumar Arora, J

Bench : Single Bench

Final Decision : Allowed

Judgement

1. 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.

2. 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.

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

4. 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.