
(2011) 12 AHC CK 0123
In the Allahabad High Court
Case No : Service Single No. 9361 of 2011

Om Prakash Sharma

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 23-12-2011

Acts Referred:

Citation : (2011) 12 AHC CK 0123

Hon'ble Judges : Ritu Raj Awasthi, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Hon"ble Ritu Raj Awasthi, J.—Notice on behalf of the opposite parties has been accepted by the learned Chief Standing Counsel.

2. With the consent of partis" counsel, the writ petition is being decided at the admission stage.

3. Heard learned counsel for the parties.

4. It is not disputed at the Bar that the identical controversy has been set at rest vide judgment and order dated 19.5.2006, passed in Writ Petition No. 6368 (S/S) of 1997.

5. The petitioner has approached this Court with the grievance that he is entitled for the promotional pay-scale from the date his juniors were given in Subordinate Agriculture Services Group-II (Class-III).

6. The petitioner has already retired. It is submitted by the learned counsel for the petitioner that the petitioner was not aware about the fact that disparity has been made in the grant of promotional pay-scale and his juniors were getting the higher pay-scale and therefore, he could not approach this Court earlier.

7. While deciding the Writ Petition No. 6368 (SS) of 1997, this Court by order dated 19.5.2006 provided 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.

8. Recently, this Court in the identical facts and circumstances in Writ Petition No. 8325 (SS) of 2011 vide order dated 16.11.2011 has disposed of the writ petition in terms of the order dated 19.5.2006 passed in Writ Petition No. 6368 (SS) of 1997.

9. In view of above, the writ petition is, therefore, disposed of finally in terms of the judgment & order dated 19.5.2006, passed in Writ Petition No. 6368 (SS) of 1997. The petitioner shall also be entitled for service benefits provided by this Court while deciding the aforesaid controversy.

10. The office is directed to issue certified copy of the order dated 19.5.2006 passed in Writ Petition No. 6368 (SS) of 1997 while issuing certified copy of this order.