
(1999) 09 AHC CK 0109

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 34068 of 1991

Promod Kumar Dubey

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 15-09-1999

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 09 AHC CK 0109

Hon'ble Judges : V.M.Sahai, J

Final Decision : Allowed

Judgement

V.M. Sahai, J.

Heard Sri Prabhakar Sinha learned Counsel for the petitioner and Miss Minakshi Sharma learned Counsel appearing for the respondents. The petitioner was appointed in 1989 on a Hass II post on 21121989. The institution was taken in granlainaid with effect from 691989. The petitioner is working as clerk in Primary section of the institution, with regard to the employees working in Primary section of the Institution of Class III and Class IV posts no decision was taken. The District Inspector of Schools asked the management by D.O. letter dated 12121990 for sending the name of the employees working in the primary section in the format so that the authorities may be communicated. The management send the required information to the District Inspector of Schools in which the petitioner was shown as working on Class III posts in the primary section of the Institution. Since nothing was done the petitioner has filed writ petition before this Court. By order dated 651992 this Court directed to District Inspector of Schools to decide the representation of the petitioner. The representation of the petitioner has been decided on 471992 by District Inspector of School which has been filed as Annexure 7 to the writ petition. The representation of the petitioner has been rejected on the ground that the primary section was being run by the Institution without their being any grantinaid, the representation of the petitioner was rejected that under the grantinaid was only released with regard to teacher

of the Institution and not with regard to Class III employees. In identical matter a Writ Petition No. 34067 of 1991 Sri Daya Shanker v. State of U.P. with regard to the same Institution this Court allowed the claim of Class III and Class IV and directed for payment of his salary by judgment dated 1451993. The controversy involved in this case is also covered by judgment dated 1451993 in Writ Petition No. 34067 of 1991 and the petitioner is also entitled for payment of his salary. The writ petition succeeds and is allowed. The order of District Inspector of School dated

471992 Annexure 7 to the writ petition passed by Respondent No. 2 is quashed. The Respondent No. 2 is directed to release the entire arrears of salary of the petitioner within a period of two months from the date a certified copy of this order is served on Respondent No. 2. There shall be no order as to cost. Petition allowed.