
(2013) 04 AHC CK 0233
In the Allahabad High Court
Case No : C.M.W.P. No. 20624 of 2013

Ram Shiromani Shukla

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 15-04-2013

Acts Referred:

Citation : (2013) 5 AWC 5035

Hon'ble Judges : Amreshwar Pratap Sahi, J

Bench : Single Bench

Advocate : D.K. Srivastava and Anand Kumar Srivastava, for the Appellant;

Final Decision : Dismissed

Judgement

Amreshwar Pratap Sahi, J.—Heard learned counsel for the petitioner. The petitioner applied against the Advertisement of 1998 and was selected by the Board in the year 2000 against the post of Lecturer in Hindi. The said select list contained the name of the petitioner as a wait listed candidate at serial No. 2 in the panel. The candidate at serial No. 1 did not joined. Consequently, the petitioner staked his claim by filing a writ petition in which a direction was issued to the District Inspector of Schools concerned to pass an appropriate order on the said claim of the petitioner.

2. The District Inspector of Schools has rejected the request of the petitioner vide order dated 13.1.2006. The petitioner aggrieved by the said order filed a writ petition before this Court which was allowed on 22.1.2007. The aggrieved person filed a special appeal in which at the interim stage a direction was issued to the authority, to allow the present petitioner who was a respondent in the appeal, to join the institution. The petitioner has been issued an order of joining dated 8.10.2007. Consequently the petitioner joined on 16.10.2007 and is functioning as such.

3. The issue in the present writ petition is with regard to the applicability of the Government order dated 28.3.2005 in relation to the benefits of pension rules to

the petitioner. The petitioner contends that since he was then selected in 2000, therefore, the rule as was applicable should be applied and not the new pension scheme under the Government order dated 28.3.2005.

4. The new pension scheme is being questioned in its applicability in the case of the petitioner on the aforesaid ground. Having heard learned counsel for the parties, it is evident that the petitioner had been selected in 2000 but no letter of appointment was issued to him nor did he join service till 16.10.2007 when on account of the interim directions in the special appeal, he actually was allowed to do so. The petitioner, therefore, entered into the cadre of service after issuance of the appointment letter in 2007. The petitioner had not succeeded in getting any appointment in 2000. The old scheme of pension would have been applicable had the petitioner been appointed prior to 28.2.2005. In the aforesaid background the petitioner was prevented from being appointed and was offered appointment only after the order of the High Court. It is pursuant to a judicial intervention that the petitioner came to be appointed in 2007. As such his entry in the service cadre is in 2007 when the Government order dated 28.3.2005 had already come into force. In view of this there is no error in the impugned order. The writ petition is accordingly dismissed.