
(2015) 04 AHC CK 0259

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 52497 of 2012

Ram Surat Thakur

APPELLANT

Vs

State of Uttar Pradesh and Others

RESPONDENT

Date of Decision : 16-04-2015

Acts Referred:

Citation : (2015) 7 ADJ 577 : (2015) 3 UPLBEC 2065

Hon'ble Judges : Surya Prakash Kesarwani, J

Bench : Single Bench

Advocate : Subhash Singh Yadav and Anshuman Singh, for the Appellant

Final Decision : Disposed off

Judgement

Surya Prakash Kesarwani, J—Heard Sri Subhash Singh Yadav, learned counsel for the petitioner and Sri A.K. Upadhyay, learned Standing Counsel for the respondents. This writ petition has been filed for the following reliefs:

"A. Issue a writ order or direction in the nature of mandamus commanding respondents to add the earlier earned services of the petitioner in Auto Tractors Ltd. Corporation in the present service's of the petitioner.

B. Issue a writ order or direction in the nature of mandamus commanding respondents to fix pay and salary of the petitioner, and directed to the concern authorities to release the same in favour of the petitioner with interest and it may be continue in future.

C. Issue a writ order or direction in the nature of mandamus commanding the respondent No. 2 to decide and consider the representation of the petitioner.

D. Issue any other writ order or direction which this Hon''ble Court may deem fit and proper in the circumstances of the case.

E. Toward cost of this petition."

2. Briefly stated the facts of the present case are that the petitioner was initially

appointed on the post of Draftsman in M/s. Auto Tractors Ltd., Pratapgarh where he worked from 25.5.1980 to 20.11.1990. He was retrenched while working as senior draftsman and a retrenchment certificate dated 8.12.1993 was issued. State Government issued a Government Order/Notification dated 11.11.1993 for adjustment of employees of M/s. Auto Tractors Ltd. in the departments of the State Government. Petitioner was also adjusted and was appointed on the post of Gram Panchayat Adhikari in the pay scale of 3050/- - 4590/- by order dated 22.4.1999. Since pay protection/fixation was not done by the respondents as provided in para 6 of the Government Order/Notification dated 11.11.1993 and as such petitioner moved representation before the concerned authorities of the State Government for fixation and payment of salary as per last salary payment certificate of M/s. Auto Tractors Ltd. in terms of the aforesaid Government Order dated 11.11.1993. Since, the benefit of the G.O. dated 11.11.1993 was not extended to the petitioner and as such he filed this petition.

3. Learned Standing Counsel has obtained instructions pursuant to the orders dated 6.4.2015 and 9.4.2015 passed by this Court. He states on the basis of instructions dated 15.4.2015 that the relief of pay protection as prayed by the petitioner in the present writ petition has been granted by the State Government. He produced a copy of a Government Order dated 15.4.2015 which is kept on record and is reproduced below:

4. As stated by learned Standing Counsel on the basis of instructions received from the respondent No. 1, the relief sought by the petitioner has been granted, and as such the writ petition does not survive.

5. Learned Standing Counsel further states that the respondents have assured that entire amount in consequence to the order dated 15.4.2015 shall be paid to the petitioner within three weeks.

6. Accordingly, this Court directs the respondent No. 1 to ensure the payment, if any, to the petitioner within three weeks from today in consequence to the aforequoted Government order dated 15/16.4.2015. Writ petition is disposed of with the direction aforementioned.