

(2011) 11 AHC CK 0189
In the Allahabad High Court
Case No : Service Single No. - 8235 of 2011

Ramesh Prasad Sharma and Another	APPELLANT
Vs	
State of U.P. and Others	RESPONDENT

Date of Decision : 16-11-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 11 AHC CK 0189

Hon'ble Judges : Anil Kumar, J

Bench : Single Bench

Judgement

Hon"ble Anil Kumar, J.—Heard Sri D.R. Mishra, learned counsel for petitioners, learned standing counsel, and perused the record.

2. Learned counsel for petitioner submits that the controversy involved in the present case is squarely covered by a decision of this Court dated 30.03.2010 passed in Writ Petition No. 1777 (SS) of 2010, which on reproduction reads as under:

Notice on behalf of opposite parties has been accepted by the learned Chief Standing Counsel.

The petitioner has approached this Court under Article 226 of the Constitution of India with the grievance that he is entitled for promotional pay-scale from the date his juniors were given in Subordinate Agriculture Services Group-II.

It is not disputed at 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. The operative portion of the judgment and order dated 19.05.1997 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.

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

The writ petition is disposed of finally in terms of the judgment and order dated 19.05.2006, passed in Writ Petition No. 6368 (S/S) of 1997. The petitioner 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.

3. Accordingly, he requests that the present writ petition may be disposed of in terms of the aforesaid order.

4. Learned Standing Counsel has no objection in this regard.

5. For the foregoing reasons, the writ petition is disposed of with an observation that the petitioners are also entitled for the benefit as given by this Court vide order dated 19.05.2006, passed in Writ Petition No. 6368 (S/S) of 1997 and the same may be extended to the petitioners.

6. No order is passed as to costs.