
(2011) 11 AHC CK 0362
In the Allahabad High Court
Case No : Service Single No. 2416 of 2011

Ravindra Kumar and Another

APPELLANT

Vs

State of U.P. Thorough Its Principal Secy. P.W.D. Lucknow

RESPONDENT

Date of Decision : 03-11-2011

Acts Referred:

Citation : (2011) 11 AHC CK 0362

Hon'ble Judges : Devendra Kumar Arora, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Devendra Kumar Arora, J.—Heard learned Counsel for the Petitioners and the learned Standing Counsel for the State-Respondents.

2. The submission of learned Counsel for the Petitioners is that the Petitioners have been appointed on the post of Work Agent in backlog quota in the year 2007. Certain employees filed writ petitions before the Lucknow Bench of this Court i.e. Writ Petition No. 3932(S/S) of 2004, Ram Narayan Srivastava and Ors. v. State of U.P. and Ors. Writ Petition No. 3931 (S/S) of 2004, Shiv Bhushan Singh and Ors. v. State of U.P. and Ors. Writ Petition No. 460 (S/S) of 2004, D.N. Shukla and Ors. v. State of U.P. and Anr. Writ Petition No. 3976(S/S) of 1997, Nirmal Singh and Ors. v. State of U.P. and Anr. and Writ Petition No. 3650 (S/S) of 2001, Mohd. Farooq and Ors. v. State of U.P. and Ors. claiming higher pay scale. All the writ petitions were connected and vide judgment dated 13th September, 2005 passed by Hon'ble single Judge were allowed and the Petitioners holding the post of work charge agent were held to be entitled to draw the salary of Rs. 1200-1800 with effect from the pay scales being implemented in the State of U.P. and Rs. 4000-6000 with effect from 1.1.1996 and accordingly mandamus was issued to the State Government to implement the aforesaid pay scales in the case of the Petitioners of said writ petitions. The Petitioners of the present writ petition being identically situated made a representation claiming benefit of the said judgment which is still pending.

3. Learned Standing Counsel urged that the order passed by the Hon"ble single Judge was set aside in Special Appeal No. 57 of 2006 filed by the State. Learned Counsel for the Petitioners submitted that vide order dated 13.4.2009 and 30.4.2009 Hon"ble Apex Court in petition (s) for Special Leave to Appeal (Civil) No (s). 6062 - 6065/2009 and 9366 -9369/2009 stayed the operation of the order passed by Division Bench dated 18.12.2009.

4. On the strength of the interim order passed by the Hon"ble Apex Court in the above petitions for leave to special appeal staying the judgment of the special appeal, learned Counsel for the Petitioner urged that in the meantime, Petitioner is also entitled to the same benefit which is being extended to the Petitioners of the writ petitions which was allowed vide order dated 13.9.2005 by the Hon"ble single Judge.

5. There appears to be force in the submission and in view of the interim order passed by the Hon"ble Apex Court staying the operation of the judgment of the Division Bench in Special appeals, the Petitioner is also entitled to the same benefit.

6. In view of the above, subject to the decision by the Hon"ble Apex Court in the aforesaid petition for special leave to appeal, this writ petition also stands allowed in terms of the judgment and order dated 13.9.2005 passed in Civil Misc. Writ Petition No. 3932 (S/S) of 2004 and other connected writ petition and the Petitioner shall be also entitled to the same benefit. However, the benefit given to the Petitioner be subject to the final outcome of the SLP (Civil) Nos. 6062-6065/2009 and 9366-9369/2009 pending before the Hon"ble Apex Court.