

**(2011) 03 AHC CK 0136**  
**In the Allahabad High Court**  
**Case No : Writ Petition No. 393 (SS) of 2011**

Sant Raj Pati Tripathi and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision :** 04-03-2011

**Acts Referred:**

**Citation :** (2011) 03 AHC CK 0136

**Hon'ble Judges :** Ritu Raj Awasthi, J

**Bench :** Single Bench

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## Judgement

Ritu Raj Awasthi, J.—The above bunch of writ petitions involve same set of facts and law as such they are disposed of by a common order.

2. Heard learned Counsel for the Petitioners as well as learned Standing Counsel.

3. On the earlier occasion, learned Standing Counsel was directed to seek instructions in the matter and to file counter affidavit.

4. Counter affidavit has been filed.

5. It is not disputed at the Bar that the identical controversy has been settled at rest vide judgment and order dated 19.5.2006, passed in Writ Petition No. 6368 (S/S) of 1997.

6. The Petitioner has approached this Court with the grievance that they are entitled for the promotional pay-scale from the date their juniors were given in Subordinate Agriculture Services Group-II (Class-III).

7. All the Petitioners have already retired. It is submitted by the learned Counsel for the Petitioners that the Petitioners were not aware about the fact that disparity has been made in the grant of promotional pay-scale and their juniors were getting the higher pay-scale and therefore, they could not approach this Court earlier.

8. While deciding the Writ Petition No. 6368 (SS) of 1997, this Court by order

dated 19.5.2006 provided 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.

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

10. Recently, this Court in the identical facts and circumstances in Writ Petition No. 264 (SS) of 2011 vide order dated 19.1.2011 has disposed of the writ petition in terms of the order dated 19.5.2006 passed in Writ Petition No. 6368 (SS) of 1997.

11. In view of above, all the above writ petitions are, therefore, disposed of finally in terms of the judgment & order dated 19.5.2006, passed in Writ Petition No. 6368 (SS) of 1997. The Petitioner shall also be entitled for service benefits provided by this Court while deciding the aforesaid controversy.

12. The office is directed to issue certified copy of the order dated 19.5.2006 passed in Writ Petition No. 6368 (SS) of 1997 while issuing certified copy of this order.