
(2010) 09 AHC CK 0405
In the Allahabad High Court
Case No : Service Bench No. 943 of 1992

State of U.P. and Others

APPELLANT

Vs

Laxmi Narain Mishra and Another

RESPONDENT

Date of Decision : 22-09-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2010) 09 AHC CK 0405

Hon'ble Judges : Vedpal, J;Devi Prasad Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard learned Standing Counsel for the petitioners and the learned Counsel for the respondent.

2. Writ petition under Article 226 of the Constitution of India has been preferred against the order passed by which the Tribunal has allowed the claim petition and directed the petitioners to treat the claimant-respondent as promoted on the post of Extension Educator with effect from the date their juniors have been promoted and provide all consequential benefits of salary etc.

3. While defending the impugned order, it has been submitted by learned Counsel for the respondents that bunch of writ petitions were decided by judgment and order dated 19.7.2007 passed in Writ Petition No. 336 of 2000 State of U.P. v. Yadu Nath Singh and Anr., against the Tribunal's identical judgment. The operative portion of judgment and order dated 19.7.2007 is reproduced as under:

(i) The State shall give notional promotions and all other benefits to the claimants but so far as payment of arrears of salary is concerned, the same shall be given from the date of actual promotion. However, the salary on promoted post of the concerned employees shall be fixed notionally from the due date of promotion for all other purposes and in case where the employees have retired

the benefits may be taken into account for the purposes of retiral benefits and retiral benefits shall be paid to such employees from the date of retirement.

(ii) In order to give effect to the direction of the Tribunal as amended in this judgement, it is open to the State to take all such other actions as is permissible in law and are necessary in the facts and circumstances of the case.

There shall, however, be no order as to costs.

4. It has brought to our notice by the respondents' counsel that SLP filed against the aforesaid judgment, has been dismissed by the Hon'ble Supreme Court.

5. Keeping in view the fact that the controversy has been settled at rest by the Division Bench of this Court and identical Tribunal's order has been substituted by the order passed by this Court, we also dismiss the writ petition in terms of the aforesaid identical judgment and the Tribunal's order stands modified accordingly.

6. Writ petition is devoid of merit and it is accordingly dismissed.