

(2009) 05 AHC CK 0589
In the Allahabad High Court

State of U.P.and others

APPELLANT

Vs

Jagdish Singh S/O Brijendra Singh & Others

RESPONDENT

Date of Decision : 07-05-2009

Acts Referred:

Citation : (2009) 05 AHC CK 0589

Hon'ble Judges : Pradeep Kant, J and Syed Nazim Husain Zaidi, J

Final Decision : Dismissed

Judgement

S.N.H. Zaidi, J.

Heard the learned counsel for the appellants Sri Anuj Kudesia and the learned counsel for the respondents Sri J.P. Maurya and Sri A.M. Tripathi.

These are three special appeal, raising the same questions of fact and law and, therefore, are being decided by a common order.

The learned Single Judge has directed the appellants to consider the case of the respondents in the light of the observations made in the cases of Hansa Dutt Bahuguna and others vs. State of U.P. and another (Writ Petition No. 4489 (SS) of 2002), and State of Haryana and others vs. Ravindra Kumar and others (Civil Appeal No. 8740674 of 1997) and pass appropriate speaking and reasoned order expeditiously within a given time.

The respondents were claiming the service benefits and additional increments on completion of 8, 14 and 20 years of continuous service, though they stand regularized in service, but the said benefits have been denied.

Learned counsel for the appellants Sri Anuj Kudesia, assailing the aforesaid order, only raised one issue and pressed the appeal only on the said ground, namely, the Government Order dated 2.12.2000, which is the basis of the aforesaid claim, is not applicable in the case of the petitioners, namely, the respondents.

In support of his submission, he argued that the aforesaid Government Order would be applicable only to the employees who are working in the payscale of Rs. 10,500/ or above, whereas the present respondents are getting the lower pay than the aforesaid.

We have gone through the aforesaid Government Order and we find that the interpretation given by the learned State counsel does not flow from the Government Order. In fact, the Government Order is applicable to all government servants, who are getting the pay in the payscale upto Rs. 10,500/ or less than that.

Admittedly, the respondents are working in the payscale less than the payscale of Rs. 10,500/. The benefit of the Government Order, therefore, on this ground, cannot be said to be not available to the respondents.

No other points have been pressed.

The special appeal has no force and is dismissed.