

Court No. - 6

Case :- WRIT - A No. - 5644 of 2021

Petitioner :- Ram Shabad

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ganesh Datt Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Ajay Bhanot,J.

Heard Sri Ganesh Datt Mishra, learned counsel for the petitioner and learned Standing Counsel for the State-respondents through video conferencing mode.

The petitioner was working as daily wage employee with the Forest Department with effect from 02.01.1986. He was retrenched from service on 01.10.1989. Thereafter in proceedings before the Labour Court, Gorakhpur under Section 4 K of the U.P. Industrial Disputes Act as Adj. Case No.248 of 1990, an award on 04.03.1998 for reinstatement of the petitioner was passed. The petitioner was reinstated in service. After reinstatement his service has been continuous and unbroken. The petitioner claims entitlement to minimum pay scale and regularization in service. Sri Ganesh Datt Mishra, learned counsel for the petitioner relies on the judgements of the Supreme Court rendered in ***State of Punjab Vs. Jagdish Singh and others*** reported at ***(2017) 1 SCC 148*** and also ***Sabha Shankar Dube Vs. Divisional Forest Officer and others*** in ***Civil Appeal No.10956 of 2018***.

Learned Standing Counsel contends that the claim of the petitioner is a mixed question of fact and law and has to be adjudicated by the competent authority in the first instance.

No useful purpose will be served by exchanging pleadings and keeping this writ petition pending before this Court.

Without going into the merits of the case, the matter is remitted to the respondent no.2-Conservator of Forest, Basti Circle, Basti.

A writ in the nature of mandamus is issued commanding the respondent no.2-respondent no.2-Conservator of Forest, Basti Circle, Basti to execute the following directions:

The respondent no.2-Conservator of Forest, Basti Circle, Basti shall decide the claim of the petitioner for grant of minimum pay scale and for regularization of service by a reasoned order

in accordance with law within a period of four months from the date of production of a computer generated copy of this order, downloaded from the official website of the High Court Allahabad, alongwith a fresh copy of the representation.

The computer generated copy of such order be self attested by the petitioner (party concerned) along with a self attested identity proof of the said person (preferably Aadhar Card) mentioning the mobile number to which the said Aadhar Card is linked. The Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

With the aforesaid directions, the writ petition stands disposed of.

Order Date :- 30.6.2021

Anil K. Sharma