

**Court No. - 4**

**Case :-** WRIT - A No. - 1635 of 2024

**Petitioner :-** Satish Kumar Ojha And Another

**Respondent :-** State Of U.P. Thru. Its Prin. Secy. Irrigation  
Deptt. Govt. Of U.P. Lucknow And 3 Others

**Counsel for Petitioner :-** Alok Kumar Tripathi

**Counsel for Respondent :-** C.S.C.

**Hon'ble Rajesh Singh Chauhan,J.**

1. Heard Sri Alok Kumar Tripathi, learned counsel for the petitioners and Sri Sudhanshu Tripathi, learned Standing Counsel.

2. By means of this petition, the petitioners have prayed for the following reliefs:-

*"(i) to issue a writ, order or direction in the nature of Mandamus Commanding the Opposite Parties to grant benefit of old pension scheme taking into account the entire length of services of the petitioners rendered by them as daily wager for the purposes of qualifying service for Regular Pension along with all consequential benefits expeditiously or within the time stipulated by this Hon'ble Court.*

*ii) to issue a writ, order or direction in the nature of Mandamus commanding and directing the Opposite Parties to consider the case of the petitioners in the light of judgement and order passed by Hon'ble Supreme Court in Civil Appeal No.6798 of 2019 "Prem Singh Vs. State of Uttar Pradesh and ors."*

3. Attention has been drawn towards Annexure No.8 of the writ petition, which is an order dated 07.12.2023 passed by the Apex Court in bunch of Special Leave Petitions, wherein the fact has been considered by the Apex Court that the State Government is ready and willing to comply with the common judgement and order dated 02.09.2019 in respect of the contempt petitioners. The learned counsel has further submitted that pursuant to the aforesaid undertaking being given before the Apex Court, the State Government/ competent authority has passed the consequential orders making compliance of the order of the Apex Court. It is further submitted that the petitioners approached the competent authority for redressal of his grievance but to no avail, as no appropriate orders have been passed. Therefore liberty may be given to the petitioners to approach the opposite party no.1 preferring a fresh representation and direction may be issued to decide the same strictly in accordance with law, with expedition.

4. Sri Tripathi has drawn attention of this Court towards one letter dated 15.06.2024 preferred by the Executive Engineer, Karya Prabharit Adhistan Prakoshta on behalf of Engineer-in-Chief, Irrigation Department addressing to all concerned Executive Engineers apprising that the payment of pension to all the employees who are the petitioners in re: Prem Singh (supra) has been made and who are not petitioners in the contempt petition in re: Prem Singh (supra) shall also be entitled for the same benefit, therefore, those employees may also be provided the same benefit on the basis of principles of parity.

5. Sri Tripathi has also submitted that the authorities are making payment of pension to similarly placed employees, therefore, the same benefit may be provided to the petitioners.

6. Therefore, in view of the above, without entering into merits of the issue, I hereby **dispose of this petition finally** at the admission stage giving liberty to the petitioners to prefer a fresh representation to the opposite party No. 1, i.e., the Principal Secretary, Irrigation Department, Civil Secretariat U.P., Lucknow ventilating their grievance taking all pleas and grounds which are available with them enclosing therewith the copy of their earlier representation, if any, which are necessary for disposal of the representation within a period of ten days' from today and if such representation is preferred by the petitioners within the aforesaid stipulated time, the authority concerned shall consider and dispose of the same strictly, by passing a speaking and reasoned order strictly in accordance with law after affording an opportunity of hearing to the petitioners, if it is so required, with expedition preferably, within a period of six weeks from the date of receipt of certified copy of this order and the decision thereof shall be intimated to the petitioners forthwith.

6. It is needless to say that if the petitioners enclose the copy of the aforesaid letter dated 15.06.2024, the authority concerned shall look into the aforesaid letter while disposing of the representation of the petitioners.

**(Rajesh Singh Chauhan,J.)**

**Order Date :- 30.9.2024**  
**(Manoj K.)**