

Court No. - 4

Case :- WRIT - A No. - 8794 of 2024

Petitioner :- Akhilesh Kumar Tiwari

Respondent :- State Of U.P. Thru. Prin. Secy. Forest Deptt. Lko And 3 Others

Counsel for Petitioner :- Rishi Raj

Counsel for Respondent :- C.S.C.

Hon'ble Rajesh Singh Chauhan,J.

Heard Sri Rishi Raj, learned counsel for the petitioner and Sri Aditya Srivastava, learned Standing Counsel appearing for the State.

By means of this petition, the petitioner has prayed for the following main relief:

"(i) Issue a writ or direction in the nature of Mandamus, commanding the Opposite Parties to pay the minimum of pay scale of Rs. 18000/- per month to the petitioner as per the 7th pay commission along with arrears since July 2021 on Class-IVth Post of Beet Watcher, Sardula Nagar Range, Gharighat Beet, District-Gonda, in the ends of justice."

Learned counsel for the petitioner has stated that in the identical facts and circumstances orders have been passed by this Court directing the competent authority to make payment of minimum of pay scale of Rs. 18000/- per month in the light of the dictum of Hon'ble the Apex Court in re: **Sabha Shankar Dubey v. State of U.P. & ors.** in **Civil Appeal No. 10956 of 2028**. The petitioner is serving as Daily Wager since July, 2021.

Learned counsel for the petitioner has further stated that liberty may be given to the petitioner to approach the opp. party No. 3/Divisional Forest Officer, District Gonda, by moving a fresh representation and irection may be issued to him to decide the same with expedition.

Therefore, without entering into merit of the issue, I hereby disposed of this case finally, giving liberty to the petitioner to approach the opp. party No.3 by preferring a fresh representation, taking all pleas available to him, enclosing therewith copies of the relevant document(s) and judgment/orders having been passed by this Court within a period of 10 days, and if such a representation is preferred, same shall be considered and disposed of strictly in accordance with law within a period of 6 weeks from the date of production

of certified copy of this order and decision thereof shall be intimated to the petitioner forthwith.

It is needless to say that appropriate order may be passed in the light of the dictum of Hon'ble the Apex Court in the case of Sabha Shanker Dubey (supra).

This petition is **disposed of** in the aforesaid terms.

(Rajesh Singh Chauhan, J.)

Order Date :- 30.9.2024
A.Nigam