

Recd. on 02-06-17 at 11.10 AM

Request-95

9

From,

Ravindra Vikram Singh, HJS
Officer on Special Duty (J)(Litigation)
High Court, Lucknow Bench,
Lucknow.

16-7-17

To,

Sri Shesh Mani, HJS,
Officer on Special Duty (J)(Litigation)
High Court Judicature at
Allahabad.

Reg. No. 12505
14/3/91
Sd/-/3/12

14-7-17
13-7-17
30/8/11
18-1-19
Bindu
12/9/17

No. 4552/Lit./2017

Dated 01.06.2017.

Sub.:- Writ Petition No.5774(S/B) of 2017- Rakesh Tripathi vs State of U.P. and others.

Sir,

I am to say that aforementioned writ petition was listed before the Hon'ble Court on 31.05.2017 and Hon'ble the Court, vide judgment and order dated 31.05.2017 has been pleased to allow aforementioned writ petition in terms of judgment and order dated 03.05.2017 passed in Writ Petition No.1496(SB) of 2015.

I am, therefore, sending herewith an uncertified copy of Hon'ble the Court's Judgment and Order dated 31.05.2017 passed in the aforementioned writ petition, for information and necessary action.

Encl.:- As above.

Yours faithfully,

1.6.2017

O.S.D.(J)(Litigation)

6329

D.R.(C.R.) Admn
S.O. Admn, A1
Rd
7/7/2017
DR

Put up in the next meeting of Litigation Committee.
A.S.
3.6.17

Recd. on 11.2.5 AM
on 06/07/17
06/07/17
RO

Copy to be sent to Registrar (Budget)

4/7/2017

4-7-17

04/07/2017

DR/Litigation

02-06-2017

DR/Litigation
05/7/2017

A.R. (Admin H)

10/1/17

D.R. (Admin H)

DRCMisc

9.06/2017
Ry (J) UB

Mrs Saxta
31.8.17

5136

A.R. (Admin A) | D.R. (M.)

May await supply of this Court's
Writ no. 10820/11/F82 | Admin (A) dated
08.9.17, issued to Government of
U.P. for issuance of Government order
in the light of judgement dated 03.05.17,
passed in writ petition no. 1496(SB)
of 2015 - Shri Jay Shankar Pandey and
Others Vs. State of U.P. & others?

Jain's
13/09/17

Dr. Jain
14.09.17
A.R.

Yes
Rd
14/9/2017
DR

Request-95

Reserved

Case :- SERVICE BENCH No. - 5774 of 2017

Petitioner :- Rakesh Tripathi

Respondent :- State Of U.P. Thru Prin.Secy.Law Civil Sectt.Lucknow & Ors.

Counsel for Petitioner :- Santosh Kumar Misra, Vikesh Ram Tripathi

Counsel for Respondent :- C.S.C., Gaurav Mehrotra, U.N. Misra

Hon'ble Shri Narayan Shukla, J.

Hon'ble Sheo Kumar Singh-I, J.

(Delivered by Sheo Kumar Singh-I, J.)

1. Heard Mr. Santosh Kumar Misra and Dr. Vikesh Ram Tripathi, learned counsels for the petitioner, learned Chief Standing Counsel for the State and Mr. Gaurav Mehrotra, learned counsel for the respondents.
2. By means of the present writ petition filed under Article 226 of the Constitution of India the petitioner has prayed to issue a writ, order or direction in the nature of mandamus commanding the State Government to take decision on the letter dated 11.02.2014 and representation dated 31.08.2016 for the payment of advance increments throughout the employment in view of recommendations of Shetty Commission as decided by Hon'ble the Apex Court in All India Judges Association and others v. Union of India and others reported in (2002) 4 SCC 247.
3. The brief facts giving rise to filing of the present writ petition are that the petitioner is a judicial officer and was selected in UP PCS (J) Examination, 2003 and joined the services in 2006. He was promoted as Additional Civil Judge (S.D.) in the year 2009. While dealing with the matter of All India Judges Association and others v. Union of India and others, the Supreme Court of India while considering the pay scale of the judicial officers had issued several directions including recommendation of the Shetty Commission given in Para 8.48, which deals the recommendation of payment of three advance increments which is to be given to the judicial officers having a higher qualification like Post Graduation in law, as it is allowed by the Delhi Administration.
4. The State of U.P. vide Government Order dated 13.05.2002 issued a direction to implement the recommendations of Hon'ble the Apex Court to be effective from the date of 21.03.2002 extending the benefit of three advance increments to the officers who are selected in the service after

the above date. Hon'ble the Supreme Court in the cited decision directed all the States of India to implement these recommendations and grant the benefit of three advance increments to those officers who possess higher qualification but the reluctant executive started misinterpreting the Shetty Commission's recommendations to mean that this benefit is extended only to those officers who are selected and joined the services after the date of implementation.

5. In pursuance of the decision taken by the State Government the petitioner was given the benefit of three advance increments with effect from 16.06.2006 up to 2009 but after promotion in the cadre of Civil Judge (S.D.), the same was not granted by the Joint Director, Treasury, giving rise to cause of filing the present writ petition.

6. Similar controversy has already been decided by this Court vide judgment and order dated 03.05.2017 passed in Writ Petition No.1496 (SB) of 2015 – Sanjay Shankar Pandey v. State of U.P. and others. Accordingly, this writ petition stands allowed in terms of judgment and order dated 03.05.2017 passed in Writ Petition No.1496 (SB) of 2015 – Sanjay Shankar Pandey v. State of U.P. and others. The petitioner shall also be granted benefit at par with the petitioner of aforesaid writ petition. No order as to costs.

Order Date :- 31.05.2017

(Sheo Kumar Singh-I, J.) (Shri Narayan Shukla, J.)

A. Katiyar