

**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 44 of 2022
EXECUTION APPLICATION 24 OF 2023**

IN THE MATTER OF:

SAKET GIRLS PG COLLEGE

Through its Authorized Representative
Arvind Srivatsava, Trustee
Saket Girls PG College, Gaighat Road,
Dahilamau, Pratapgarh, Uttar Pradesh

.....Applicant

- VERSUS -

The Executive Officer

Nagar Palika Parishad,
Bella Pratapgarh, Uttar Pradesh
230001

....Respondent

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THROUGH



**PRIYANKA SWAMI
ADVOCATE**

**Counsel for EO, NAGAR PALIKA PARISHAD, BELLA PRATAPGARH
F- 13, Ground Floor, Jangpura Extension,
New Delhi- 110014**

Date: 23 .06.2024

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**ACTION TAKEN PLAN WITH AFFIDAVIT ON BEHALF OF EXECUTIVE
OFFICER, NAGAR PALIKA PARISHAD**

I, SH. RAM ACHAL KUREEL, s/o SH.MOHAN LAL KUREEL, aged about 50 years, posted as EXECUTIVE OFFICER, of Govt. of Uttar Pradesh, do hereby solemnly affirm and state an oath as under.

1. In compliance with the order dated 10.04.2024, an affidavit has been filed before this Hon'ble National Green Tribunal as directed in the order -

“12. Counsel for the State has submitted that District Magistrate has sent the communication to Principal Secretary Urban Development on 08.04.2024 and he candidly admits that till now no communication is sent to the Election Commission. Hence, we find that in the report of Executive Officer, Nagar Palika Parishad, Pratapgarh statement that “we have diligently pursued the necessary approvals by sending a letter through the District Magistrate to the Election Commission, seeking sanction to open the tender prior to the elections. ” is incorrect.

13. In the latest action taken report filed on 09.04.2024, prayer is to grant of three months time to complete the work by 15.08.2024.

14. Learned Counsel for Executive Officer, Nagar Palika Parishad has submitted that work will be completed by that time.

15. Let fresh action taken report be filed by Learned Counsel for Executive Officer, Nagar Palika Parishad atleast one week before the next date of hearing disclosing the further action taken as also the manner in which sewage water will be treated after construction of drain.

16. List on 01.07.2024”

1. That the Nagar Palika Parishad is not responsible for the delay; rather, the delay has been due to circumstantial factors. Therefore, there is a need for additional time to address this issue. The problem of waterlogging has been resolved promptly by constructing the required drain. Currently, the problem of waterlogging around the premises is being managed regularly using a sewer suction machine, for the daily pumping of wastewater in compliance with orders passed by the NGT. The water is collected from the school premises and the low line area is transported to the STPs for treatment. A

resource available to the Nagar Palika Parishad, Bela, Pratapgarh. A true copy of the daily pumping of water from the low line area is attached here as **Annexure 1.**

2. That regarding the waterlogging observed around the college premises during the inspection by authorized officials from Rae Bareli on 25-5-2024, it is important to note that this day was a public holiday due to the Lok Sabha general elections in Pratapgarh district. All government officials and employees were assigned to election duties, and traffic was completely banned on that date, therefore no movement of drainage was possible. As such, the report by the Pollution Control Board officials indicating no action was taken to address the waterlogging appears to be inconsistent. The sanitation inspector of the NPP stated in his letter dated 07-6-2024 that water drainage is being carried out daily using a sewer suction machine. During the inspection by the Pollution Control Board, no municipal employee or officer was informed either by telephone or in person. Consequently, the Pollution Control Board's report is misleading and false, as it was submitted without an on-site inspection, which is detrimental to the economic interests of the Nagar Palika Parishad. In support of his statement, the sanitation inspector has provided an on-site photograph of the drainage work, which is attached here as **ANNEXURE 2.**
3. That in view of the circumstances, the environmental compensation which is imposed by the State Board from 15-6-2022 to 30-10-2023 (for a total of 17 months) at the rate of Rs. 5.00 lakh per drain per month amounts to Rs. 85,00,000/- (Rupees eighty-five lakh). Additionally, from 01-11-2023 to 25-5-2024 (for a total of 07 months), it amounts to Rs. 35,00,000/- (Rupees thirty-five lakh) at the rate of Rs. 5.00 lakh per drain per month. It is not feasible for the municipality to deposit these amounts totalling Rs.

1,20,00,000/- (Rupees one crore twenty lakhs). Therefore, you are requested as per section 15 of the NGT act, to levy the environmental compensation, when there is no restoration of the environment. As per section 15 of the NGT act, we are restituting the environment to its full restoration, and for the past violation, it is requested to reconsider the amounts of Rs. 85,00,000/- (Rupees eighty-five lakh) and Rs. 35,00,000/- (Rupees thirty-five lakh) on the Municipal Council Belha-Pratapgarh, which is levied as environment compensation. The letter is still under consideration by the member secretary, UPPCB. A true copy of the letter by NPP to UPPCB is annexed here as **ANNEXURE 3**.

4. That the financial resources of the NPP Belha-Pratapgarh are extremely limited, resulting in outstanding retirement dues of approximately Rs. 4,50,00,000/- (Rupees four crores fifty lakhs) to retired employees. Due to these constraints, it has been challenging to disburse the dues to these employees. Retired employees are submitting daily applications to higher officials, requesting payment of their outstanding dues. Additionally, some retired employees have appealed to the Hon'ble High Court for the payment of their post-retirement dues. In response, the Hon'ble Court has issued instructions to pay the outstanding dues, and the process of payment is currently underway.
5. That in compliance of the order passed by the Hon'ble High Court, the Principal Secretary of the Urban Development Section-6, Uttar Pradesh Government, has issued directions, as per letter No. 1783/Bhi-6-2023 dated October 19, 2023, indicating that the payment of retirement dues to retired employees of the Centralized Service of Local Bodies should be prioritized as per the High Court Order. A copy of the order passed by the Hon'ble High

Court Division Bench, Lucknow, concerning the payment of dues to 12 employees, is attached here as **ANNEXURE 4**.

6. That it would be appropriate to carry out the construction of the drain in question as per Government Order No. 363/2024/Ni-5-2024/001-com.no-1798624 dated March 14, 2024, which is part of the sewerage and drainage scheme of the state sector for the financial year 2023-24. An amount of Rs. 4.99 lakhs has been approved for the construction of the mentioned drain from the allocated funds. Tenders for the construction were invited from March 15, 2024, to April 19, 2024. However, it was informed before that due to the Model Code of Conduct coming into effect in view of the Lok Sabha General Elections-2024, the tenders scheduled to be opened on April 19, 2024, will not be able to take place.
7. That it is known that, by letter no. 2249/LBC-2024 dated April 08, 2024, from the office of the District Magistrate Pratapgarh, permission was sought from the Honorable State Election Commission, Uttar Pradesh, to open the tender. In sequence, the Chief Electoral Officer of Uttar Pradesh, Lucknow, via letter no. 431/I.E.O./Letter/TERI/U.A.-111/U.P./2024 (Ref)/17523 dated ____, and the government's letter no. 1387/Mau-7-2024 comp-1803860 Nagar Vikas-7 Lucknow dated May 13, 2024, emphasized the importance of addressing waterlogging and drainage issues. These letters highlighted the necessity of opening the tender and issuing a work order, but unfortunately, there was no response or approval from the election commission. Therefore we had to wait till the elections were over.
8. That the Approval for the construction has been granted with the stipulation that no mention of the project shall be made to obtain political advantage in any manner. In compliance with this condition, the technical bid was opened on 21-5-2024. However, due to the sudden demise of the Honorable

Chairman of NPP Pratapgarh on 22-5-2024, the financial bid could not be opened.

9. That in the Following the Principal Secretary of Uttar Pradesh Government, Urban Development Section-6, Lucknow's letter no. 841/nine-6-2024 dated June 07, 2024, the District Magistrate, Pratapgarh, has been authorized to discharge the official responsibilities and functions of the Chairman, including opening financial bids and forming a work contract with the lowest bidder. Consequently, work has commenced at the site. For verification, an on-site photograph of the ongoing work, tagged with the government order, is attached as **Annexure 5**.
10. Further, it is most respectfully submitted that considering the above-mentioned circumstances The NPP, Bela Pratapgarh must be given an opportunity to complete the ongoing projects and protect the environment issues within its jurisdiction and shall file its compliance before the next date of hearing after 15th August, the work will be completed.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- i. To grant us time till 15th August to complete the ongoing construction of the drain.
- ii. Pass any such other order as may deem fit

THROUGH



PRIYANKA SWAMI
Advocate

Counsel for EO, NAGAR PALIKA PARISHAD, BELLA PRATAPGARH
F- 13, Ground Floor, Jangpura Extension,

Date: 23.06.2024

New Delhi- 110014

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- VERSUS -

The Executive Officer

Nagar Palika Parishad,
Bella Pratapgarh, Uttar Pradesh
230001

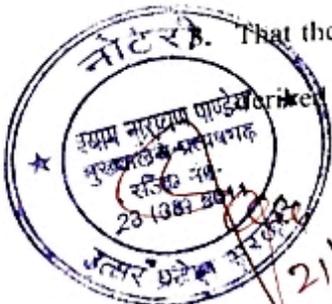
....Respondent

AFFIDAVIT

Affidavit of **SH. RAM ACHAL KUREEL** aged about **50** years s/o **SH. MOHAN LAL KUREEL**, presently posted as **EXECUTIVE OFFICE** having an office at **NAGAR PALIKA PARISHAD, BELHA, DISTRICT - PRATAPGARH.**

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit before this Tribunal.
2. That the accompanying action taken report has been drafted by our counsel upon my instructions.

That the contents of the accompanying reply are true and correct, the knowledge has been taken from official records and nothing material has been concealed therefrom.



RA114
अधिकाशी अधिकारी
नगर पालिका परिषद
प्रतापगढ़

VERIFICATION

Verified on solemn affirmation at New Delhi on this 21 day of June 2024, that the contents of the foregoing affidavit are true and correct to the best of my knowledge no part of it is false and nothing material has been concealed therefrom.

RAHILY
अधिशासी अधिकारी
नगर पालिका परिषद
प्रतापगढ

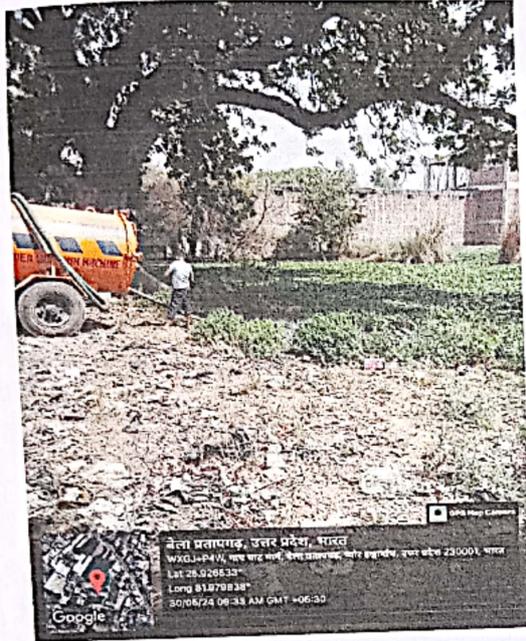


21/06/2024

RAHILY
अधिशासी अधिकारी
नगर पालिका परिषद
प्रतापगढ

साकेत गर्ल्स पी0जी कालेज प्रतापगढ़ के जल जमाव स्थल से

सक्शन मशीन द्वारा दूषित जल निकासी कार्य फोटोग्राफ

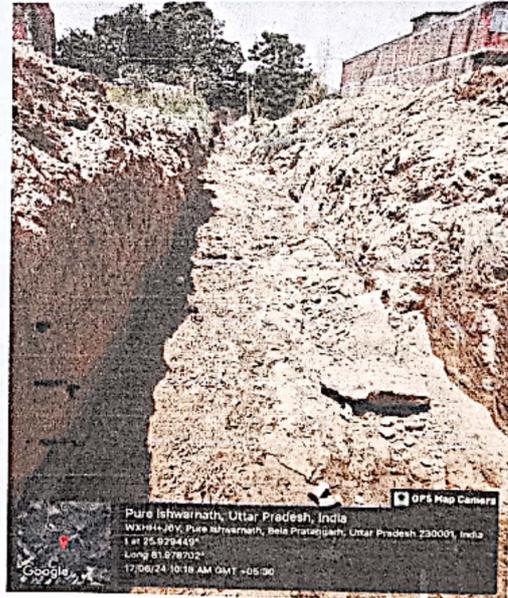
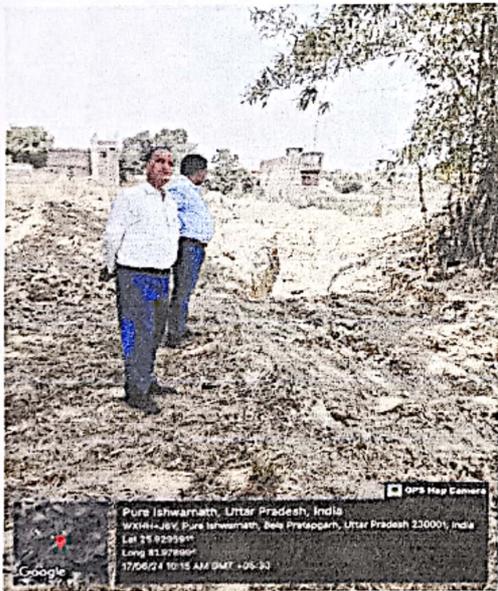
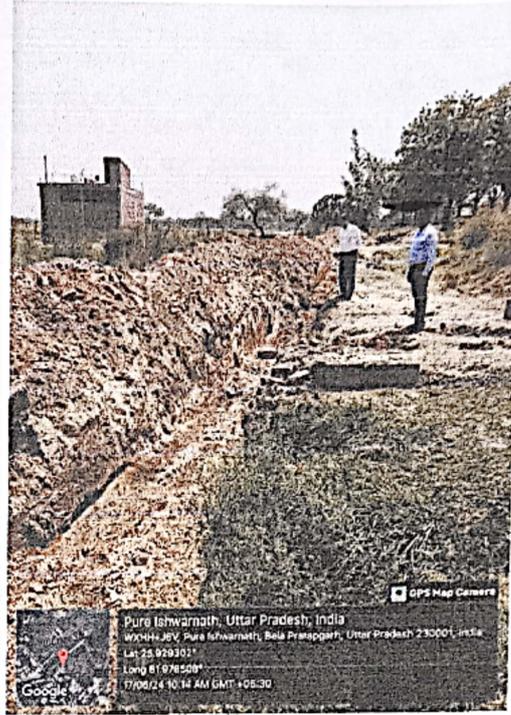


अधिशायी अधिकारी
 नगर पालिका परिषद
 वेल्हा-प्रतापगढ़

जि/

संतोष कुमार सिंह
 सफाई निरीक्षक
 नगर पालिका परिषद
 वेल्हा-प्रतापगढ़

साकेत गर्ल्स पी0जी0 कालेज प्रतापगढ के जलनिकासी हेतु नाला निर्माण कार्य



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19/8/24
अधिसासो अधिकारी
नगर पालिका परिषद
बेल्हा-प्रतापगढ

सेवा में,

अधिशाली अधिकारी
नगरपालिका परिषद्
बेल्हा-प्रतापगढ़।

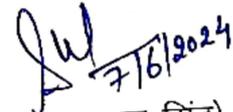
महोदय,

कृपया अपने कार्यालय पत्र संख्या-324/न0पा0परि0/2024/कारण बताओं नोटिस, दिनांक 05 जून, 2024 का सन्दर्भ ग्रहण करने का कष्ट करें, तद् पत्र के अन्तर्गत प्रदूषण बोर्ड द्वारा दिनांक 01.11.2023 से 25.05.2024 तक (कुल 07 माह हेतु) अंकन 5,00,000/- प्रति ड्रेन प्रतिमाह की दर से पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की संस्तुति की गयी है। जिसके सम्बन्ध में मौखिक रूप से कई बार सचेष्ट करते हुए साकेत गर्ल्स पी0जी0 कालेज, गायघाट रोड पर स्थित दूषित जल को पालिका संसाधन से प्रतिदिन बाहर निकालकर दूसरी जगह प्रवाहित करने हेतु वैकल्पिक व्यवस्था के निर्देश दिये जाते रहे, परन्तु खेद का विषय है कि मौखिक निर्देश का अनुपालन नहीं किया गया के दृष्टिगत कारण बताओं नोटिस निर्गत करते हुए स्पष्टीकरण प्रस्तुत करने के निर्देश दिये गये हैं।

उक्त के सम्बन्ध में अवगत कराना है कि महोदय के प्राप्त निर्देश के अनुसार नियमित रूप से साकेत गर्ल्स पी0जी0 कालेज के पास जल जमाव स्थल से सक्शन मशीन से पानी खींच कर माँ बेल्हा देवी प्रतापगढ़ स्थित एस0टी0पी0 प्लाण्ट के नाले में गिराया जाता है, जिसका जियो टैंग फोटोग्राफ महोदय को भी प्रेषित किया जाता है। प्रदूषण नियंत्रण बोर्ड द्वारा दिनांक 25.05.2024 को अपना निरीक्षण आख्या दर्शया गया है। अवगत कराना है कि दिनांक 25.05.2024 को लोकसभा सामान्य निर्वाचन चुनाव-2024 प्रतापगढ़ लोकसभा निर्वाचन में समस्त कर्मचारियों की ड्रियूटी लगायी गयी थी, जिसके कारण दिनांक 25.05.2024 को उक्त स्थल पर का सक्शन कार्य नहीं किया गया, चूंकि दिनांक 25.05.2024 को जिले में यातायात भी प्रतिबंधित था। प्रदूषण नियंत्रण बोर्ड द्वारा दिनांक 25.05.2024 को स्थलीय निरीक्षण दिखाया गया है जिसमें नगरपालिका से सम्बन्धित किसी भी अधिकारी/कर्मचारी को न दूरभाष पर न व्यक्तिगत रूप से अवगत कराया गया जिससे की प्रतीत होता है कि बिना निरीक्षण किये ही प्रदूषण नियंत्रण बोर्ड द्वारा भ्रामक/असत्य आख्या प्रेषित की जा रही है।

अतएव उपरोक्तानुसार वांछित स्पष्टीकरण आख्या एवं जियो टैंग फोटोग्राफ सादर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

संलग्नक:- उपरोक्तानुसार।



(सन्तोष कुमार सिंह)
सफाई एवं खाद्य निरीक्षक
नगरपालिका परिषद् बेल्हा-प्रतापगढ़।

Court No. - 20

Case :- WRIT - A No. - 4098 of 2024

Petitioner :- Rama Kumar Yadav

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

Counsel for Petitioner :- Dinesh Kumar Ojha, Anju Singh

Counsel for Respondent :- C.S.C., Sampurna Nand Shukla

Hon'ble Shree Prakash Singh, J.

Heard learned counsel for the petitioner, Sri Pradeep Kumar Singh, learned Additional Chief Standing Counsel for the State and Sri Virendra Pratap Pratap Singh, Advocate holding brief of Sri Sampurna Nand Shukla, learned counsel for the opposite parties no. 3 & 4

Instant writ petition has been filed with the following reliefs :-

"(i) Issue a writ, order or direction in the nature of mandamus commanding the opp. parties to grant the post retiral benefits including, Gratuity, arrears and others consequential service benefits after his peacefully retirement on 31.08.2016 from the post of Sanitary Supervisor from the office of opp. party no. 3, in the interest of justice.

(ii) Issue a writ, order or direction in the nature of mandamus commanding to the opp. party to make payment of post retiral benefit with interest of market rate from the date of retirement till date of actual payment to the petitioner.

(iii) Issue a writ, order or direction in the nature of mandamus commanding to the opp. party no. 3 to take the necessary decision on the pending representation dated 01.03.2023, regarding the payment of post retiral benefits including, Gratuity, and others consequential service benefits, due arrears with interest of market rate till the date of actual date of payment, which is contained as annexure No. 1 to this writ petition.

(iv) Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case in favour of the petitioner. "

Contention of learned counsel for the petitioner is

that the petitioner has moved representation on 01-03-2023 before the opposite party no. 3, which is still pending consideration. He further submits that the interest of justice would be sub-served if this Hon'ble Court may be pleased to direct the opposite party no. 3 to consider and decide the representation of the petitioner, within stipulated period of time, as may be fixed by this court.

Learned counsels appearing for the opposite parties have no objection to the contention aforesaid.

In view of the aforesaid and without entering into the merits of the case, the opposite party no. 3 is hereby directed to consider and decide the representation of the petitioner dated 01-03-2023, within period of eight weeks from the date a certified copy of this order is produced before him.

With the aforesaid observations, the writ petition is **disposed of.**

Order Date :- 24.5.2024
AKS

Authenticated Copy

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25.05.2024

Section Officer
Computerized Copying Centre
High Court, Lucknow Bench
Lucknow

HIGH COURT OF JUDICATURE AT

Court No. - 8**Case :-** WRIT - A No. - 7098 of 2023**Petitioner :-** Riyaj Ahmad**Respondent :-** State Of U.P. Thru. Addl. Chief Secy. Urban Development Deptt. Lko. And 3 Others**Counsel for Petitioner :-** Anup Kumar Mishra**Counsel for Respondent :-** C.S.C., Sampurna Nand Shukla**Hon'ble Pankaj Bhatia, J.**

1. Heard learned Counsel for the petitioner, learned Standing Counsel and Sri Sampurna Nand Shukla, learned Counsel appearing on behalf of the respondents no.3 and 4.

2. The present petition has been filed seeking following reliefs:

"1- Issue a writ, order or direction in the nature of mandamus commanding to the opposite party no. 4 / Executive Officer, Nagar Palika Parisad, Bela, Pratapgarh to expeditiously make payment of all post retiral dues i.e. amount of gratuity, leave encashment, arrears of ACP's, Bonus, arrears of enhanced D.A., arrears of pension (November 2020 till 01.06.2022 the actual date of payment) along with interest @ 8% up to the actual date of payment to the petitioner."

3. The Counsel for the petitioner and the respondent argues that the issue raised in the present petition has been decided by this Court in Writ-A No.8426 of 2022 [Smt. Parwati vs State of U.P. and others] wherein following directions have been issued:

"In view of above, the writ petition is disposed of with direction to the respondent nos.3 and 4 to make the payment of remaining retiral dues including arrears of pension etc. expeditiously say within a period of 20 weeks from the date of production of certified copy of this order. In case the payment is not made within the aforesaid

period, the petitioner shall be entitled for interest on all the retiral dues at the rate of 8% from the date it was due, which may be recovered from the officer/official responsible for delay of payment."

4. Considering the abovesaid, the present petition is **disposed off** with directions to the respondents to pay the remaining amount of retiral dues to which the petitioner is entitled within a period of three months from today.

5. The respondents shall also consider the claim of the petitioner for grant of interest on the outstanding dues while making the payment and while deciding the claim of interest, the respondent shall consider as to whether in similar circumstances other persons have been granted the said benefit or not?

Order Date :- 26.9.2023
Arun

Authenticated Copy

[Signature]

4110123

Assistant Registrar

Computerized Copying Centre
High Court, Lucknow Bench
Lucknow

Court No. - 17

Case :- WRIT - A No. - 1053 of 2024

Petitioner :- Nand Kishor Yadav

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Urban Developemnt Deptt. Lko And 3 Others

Counsel for Petitioner :- Anup Kumar Mishra

Counsel for Respondent :- C.S.C., Sampurna Nand Shukla

Hon'ble Manish Mathur, J.

Heard learned counsel for petitioner, learned State Counsel appearing on behalf of opposite parties 1 and 2 and Mr. Sampurna Nand Shukla learned counsel for opposite parties 3 and 4.

Petition has been filed seeking a direction to the opposite parties for expeditious payment of retrial dues to petitioner along with arrears of pension and interest.

For the aforesaid grievance, the petitioner has already submitted a representation but seeks liberty to file a fresh representation before the authority concerned.

Considering innocuous prayer being made by learned counsel for the petitioner and without entering into the merits of the case petitioner is granted liberty to file a fresh representation before opposite party No. 4 i.e. Executive Officer, Nagar Palika Parishad, Belha, Pratapgarh. In case such a representation is filed, the same shall be decided within period of six weeks. from the date a certified copy of this order is produced before the said authority. He shall also take into account the delay in payment and shall pass appropriate orders with regard to interest payable to petitioner as well.

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

Order Date :- 16.2.2024

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awh
17.02.2024

Section Officer

Computerized Copying Centre
H.N. 1, ...

4 286

Neutral Citation No. - 2024:AHC-LKO:14410

Court No. - 17

Case :- WRIT - A No. - 1183 of 2024

Petitioner :- Ram Nath Pal

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Urban Development Deptt. Lko. And 3 Others

Counsel for Petitioner :- Anup Kumar Mishra, Amit Bhatt

Counsel for Respondent :- C.S.C., Sampurna Nand Shukla

Hon'ble Manish Mathur.J.

Heard learned counsel for petitioner, learned State Counsel appearing on behalf of opposite parties 1 and 2 and Mr. Sampurna Nand Shukla learned counsel for opposite parties 3 and 4.

Petition has been filed seeking a direction to the opposite parties for expeditious payment of all retrial benefits due to petitioner along with arrears of salary and arrears of pension along with interest.

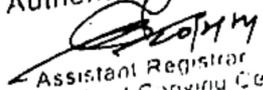
For the aforesaid grievance, the petitioner has already submitted a representation but seeks liberty to file a fresh representation before the authority concerned.

Considering innocuous prayer being made by learned counsel for the petitioner and without entering into the merits of the case petitioner is granted liberty to file a fresh representation before opposite party No. 4 i.e. Executive Officer, Nagar Palika Parishad, Belha, District Pratapgarh. In case such a representation is filed, the same shall be decided within period of six weeks from the date a certified copy of this order is produced before the said authority. He shall also take into account the delay in payment and shall pass appropriate orders with regard to interest payable to petitioner as well.

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

Order Date :- 19.2.2024
prabhat

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High Court, Lucknow Bench
Lucknow

(5)

Court No. - 17**Case :- WRIT - A No. - 1135 of 2024****Petitioner :- Jagdish Pal****Respondent :- State Of U.P. Thru. Addl. Chief Secy Urban Development Deptt. U.P.
Lko. And 3 Others****Counsel for Petitioner :- Anup Kumar Mishra****Counsel for Respondent :- C.S.C., Sampurna Nand Shukla****Hon'ble Manish Mathur.J.**

Heard learned counsel for petitioner, learned State counsel for opposite parties no.1 & 2 and Mr. Sampurna Nand Shukla, learned counsel for opposite parties no.3 & 4 who prays for and is granted three weeks' time to file counter affidavit.

List this case on 14.03.2024.

In the meantime, opposite parties are directed to ensure payment of admitted dues of petitioner.

Order Date :- 16.2.2024

Subodh/-

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17.02.2024
Section Officer
Computerized Copying Centre
High Court, Lucknow Bench
Lucknow

(6)

Neutral Citation No. - 2024:AHC-LKO:13831

Court No. - 17

Case :- WRIT - A No. - 1141 of 2024

Petitioner :- Nanku Ram

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Urban Development
Deptt. U.P. Lko. And 3 Others

Counsel for Petitioner :- Anup Kumar Mishra, Amit Bhatt

Counsel for Respondent :- C.S.C., Sampurna Nand Shukla

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioner, learned State Counsel appearing on behalf of opposite parties no.1 & 2 and Mr. Sampurna Nand Shukla, learned counsel for opposite parties no.3 & 4.
2. Petition has been filed seeking a direction to opposite parties to consider petitioner's representation for counting services rendered by him prior to regularization as qualifying service for purposes of pensionary benefits.
3. For the aforesaid grievance, petitioner has already submitted a representation dated 02.12.2023. At present learned counsel for petitioner restricts his prayer for a final decision with regard to same.
4. Considering innocuous prayer being made by learned counsel for petitioner and without entering into the merits of the case, opposite party No.4 i.e. Executive Officer, Nagar Palika Parisad, Belha, Pratapgarh is directed to consider and decide representation dated 02.12.2023 within a period of eight weeks from the date a certified copy of this order is produced before said authority. Petitioner shall annex a copy of representation dated 02.12.2023 alongwith a certified copy of this order.
5. With the aforesaid observation, petition stands **disposed of**.

Order Date :- 16.2.2024

Subodh/-

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High Court Lucknow Bench
Lucknow

Court No. - 1

Case :- SPECIAL APPEAL No. - 968 of 2006

Appellant :- Nagar Palika Parishad Thru Exec. Officer

Respondent :- Hamid Ahmad S/S 6280/1996

Counsel for Appellant :- Sampurnanand

Counsel for Respondent :- U.N. Mishra, Akber

Ahmad, Akhilesh Kalra, Chinmay Mishra, Gaurav Mehrotra, Rani Singh

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Brij Raj Singh, J.

1. The case was mentioned by the learned counsel for the respondent.
2. Despite service of written notice of the mention having been made, the learned counsel for the appellant has not turned up.
3. In these circumstances, the interim order passed in the special appeal, is hereby discharged.
4. List this special appeal for hearing in the month of January, 2024.
5. The notice is taken on record.

(Brij Raj Singh, J.)

(Attau Rahman Masoodi, J.)

Order Date :- 4.1.2024
Rajneesh JR-PS)

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Rajneesh
08.01.2024

Section Officer
Computerized Copying Centre
High Court, Lucknow Bench
Lucknow

Court No. - 20

Case :- WRIT - A No. - 4089 of 2024

Petitioner :- Raj Kishor Singh

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

Counsel for Petitioner :- Dinesh Kumar Ojha, Anju Singh

Counsel for Respondent :- C.S.C., Sampurna Nand Shukla

Hon'ble Shree Prakash Singh, J.

Heard learned counsel for the petitioner, Sri Pradeep Kumar Singh, learned Additional Chief Standing Counsel for the State and Sri Virendra Pratap Pratap Singh, Advocate holding brief of Sri Sampurna Nand Shukla, learned counsel for the opposite parties no. 3 & 4

Instant writ petition has been filed with the following reliefs :-

"(i) Issue a writ, order or direction in the nature of mandamus commanding the opp. parties to grant the post retiral benefits including, Gratuity, arrears and others consequential service benefits in compliance of letter no. 29/LBC/2019 dated dated 14.01.2019 issued by District Magistrate, Pratapgarh, which is contained as annexure No. 4 to this writ petition.

(ii) Issue a writ, order or direction in the nature of mandamus commanding to the opp. party to make payment of post retiral benefit with interest of market rate from the date of retirement till date of actual payment to the petitioner.

(iii) Issue a writ, order or direction in the nature of mandamus commanding to the opp. party no. 3 to take the necessary decision on the pending representation dated 06.06.2022, regarding the payment of post retiral benefits including, Gratuity, and others consequential service benefits, due arrears with interest of market rate till the date of actual date of payment, which is contained as annexure No. 2 to this writ petition.

(iv) Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case in favour of the petitioner. "

Contention of learned counsel for the petitioner is that the petitioner has moved representation on 06-06-2022 before the opposite party no. 3, which

is still pending consideration. He further submits that the interest of justice would be sub-served if this Hon'ble Court may be pleased to direct the opposite party no. 3 to consider and decide the representation of the petitioner, within stipulated period of time, as may be fixed by this court.

Learned counsels appearing for the opposite parties have no objection to the contention aforesaid.

In view of the aforesaid and without entering into the merits of the case, the opposite party no. 3 is hereby directed to consider and decide the representation of the petitioner dated 06-06-2022, within period of eight weeks from the date a certified copy of this order is produced before him.

With the aforesaid observations, the writ petition is **disposed of.**

Order Date :- 24.5.2024

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25.05.2024

Section Officer
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High Court, Lucknow Bench
Lucknow

Neutral Citation No. - 2024:AHC-LKO:18947

Court No. - 18

Case :- WRIT - A No. - 1632 of 2024

Petitioner :- Umendra Bahadur Singh

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Urban Development Deptt. Lko. And 3 Others

Counsel for Petitioner :- Anup Kumar Mishra

Counsel for Respondent :- C.S.C., Sampurna Nand Shukla

Hon'ble Manish Kumar.J.

Heard learned counsel for petitioner, learned State Counsel appearing on behalf of opposite parties 1 and 2 and Mr. Sampurna Nand Shukla learned counsel for opposite parties 3 and 4.

Petition has been filed seeking a direction to the opposite parties for expeditious payment of all retrial benefits due to petitioner along with arrears of salary and arrears of pension along with interest.

For the aforesaid grievance, the petitioner has already submitted a representation but seeks liberty to file a fresh representation before the authority concerned.

Considering innocuous prayer being made by learned counsel for the petitioner and without entering into the merits of the case petitioner is granted liberty to file a fresh representation before opposite party No. 4 i.e. Executive Officer, Nagar Palika Parishad, Belha, Pratapgarh. In case such a representation is filed, the same shall be decided within period of six weeks from the date a certified copy of this order is produced before the said authority. He shall also take into account the delay in payment and shall pass appropriate orders with regard to interest payable to petitioner as well.

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

Order Date :- 1.3.2024

S. Kumar

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Computerized Copying Centre
High Court, Lucknow Bench
Lucknow

(10) 2

Court No. - 21

Case :- SERVICE SINGLE No. - 4370 of 2002

Petitioner :- Ajeet Pratap Singh

Respondent :- State Of U.P. Through Secy.

Counsel for Petitioner :- Nagendra Singh, Arun Kumar Gupta, Surendra Pratap Singh

Counsel for Respondent :- C.S.C., Sampurnanand

Hon'ble Saurabh Lavania, J.

Heard Sri Surendra Pratap Singh, learned counsel for the petitioner, Sri Alok Sharma, learned Addl. Chief Standing Counsel for the respondent Nos. 1 and 2 and Sri Pankaj Shukla, Advocate holding brief of Sri Sampurnanand Shukla, learned counsel for the respondent Nos. 3 to 5.

By means of the present writ petition, the petitioner has sought the following main reliefs:-

"(i) Issue a writ, order or direction in the nature of Certiorari quashing order of reversion of the petitioner from higher pay scale of 950-1500 to lower pay scale of Rs. 800-1100, if any, and the order of recovery of Rs. 2000/- per month from the salary of the petitioner, if any, after summoning the same from it's custodian.

(ii) Issue a writ, order or direction in the nature of mandamus commanding the Opposite parties to allow the petitioner to continue on the post of Tax Collector in the pay scale of Rs. 950-1500.

(iii) Issue a writ, order or direction in the nature of mandamus commanding the Opposite parties not to recover Rs. 2000/- per month from the salary of the petitioner in view of the alleged order of reversion.

(iv) Issue a writ, order or direction in the nature of mandamus commanding the Opposite parties to refund the amount recovered from the salary of the petitioner."

While pressing the reliefs sought in the writ petition, learned counsel for the petitioner submitted that the father of the petitioner expired while serving on the post of "Kar Samaharta" (कर समार्हता). Thereafter, the petitioner was appointed on compassionate ground on the post of "Tax Collector" vide order dated 03.08.1991. Pursuant to the same, the petitioner joined the said post. The pay-scale of the post of Tax Collector at the time of appointment of the petitioner was Rs. 950-1500/-. In this regard, reliance has been placed on the Government Order dated 14.02.1990.

It is further stated that till submission of audit objection, the petitioner was getting salary in the pay-scale of Rs. 950-1500/-. The audit objection relates to the financial year 1998-1999.

It is further stated that the salary to the petitioner in the pay-scale of Rs. 950-1500/- was paid till December, 1999. Thereafter, keeping in view the audit objection, the salary of the petitioner was reduced to the pay-scale of Rs. 800-1150/-, which belongs to the post of "Kar Samaharta" (कर समार्हता) and it does not belong to the post of "Tax Collector".

It is further stated that the audit team only considered the post of father of the petitioner i.e. "Kar Samaharta" (कर समार्हता), however in fact the petitioner was appointed on the post of "Tax Collector" in the pay-scale of Rs. 950-1500/-.

In addition to the reduction of pay-scale of the petitioner, the order of recovery of Rs. 2000/- per month from the salary of the petitioner was also passed.

It is further stated that keeping in view the post on which the petitioner was appointed i.e. "Tax Collector" having pay-scale of Rs. 950-1500/-, the audit objection/report so as the order of recovery and reduction

of pay-scale is unjustified and is liable to be interfered with by this Court. Accordingly, the prayer is to allow the writ petition.

Per contra, Sri Pankaj Shukla, Advocate holding brief of Sri Sampurnanand Shukla, learned counsel for the respondent Nos. 3 to 5 on the basis of the averments made in the counter affidavit opposed the writ petition.

Heard the learned counsel for the parties and perused the record.

It appears from the order of appointment of the petitioner dated 02.08.1991 that the petitioner was appointed on the post of "Tax Collector" in the pay-scale of Rs. 950-1500/-, which on reproduction reads as under:-

"आदेश"

श्री अजीत प्रताप सिंह सुत स्व० पारस नाथ सिंह निवासी ग्राम गोबरी जिला प्रतापगढ़ की नियुक्ति अध्यक्ष महोदय के आदेश दिनांक 3-8-91 के अनुपालन में टैक्स कलेक्टर के पद पर अस्थाई रूप से नियमित नियुक्ति होने तक वेतनमान 950-20-1150-द०रो०-25-1500 पर की गयी है। उक्त नियुक्ति पूर्णतः अस्थाई होगी।"

It is also evident from the Government Order dated 14.02.1990 that the pay-scale of the post of "Tax Collector" is Rs. 950-1500/- and the pay-scale of the post of "Kar Samaharta" (कर समार्हता) is Rs. 800-1150/-. The relevant portion of the Government Order dated 14.02.1990 on reproduction reads as under:-

"9 कॅशियर (ट्रेज़रर/रंक- 340-550 950-20-1150-द०रो०-

डिया)/ लेखालिपिक/ 25-1500

लिपिक/स्टोर कोपर

(सामान्य)/भण्डारी/

प्रकाश निरीक्षक/टंकक/

रिकार्ड कीपर/लिपिक

ग्रेड-2/प्रधान लिपिक/

सहायक अध्यापिका

नर्सरी)/जलकल

निरीक्षक/अध्यापिका/

अध्यापक टैक्स कलेक्टर

10 झापदसमैन (अनर्ह)/वैद्य 340-550 950-20-1150-द०रो०-

(अनर्ह)

(वैयक्तिक

25-1500 (वैयक्तिक

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वेतनमान)

11 ड्राइवर (ट्रक)/जीप/लारी/ 330-495 940-20-1150-द०रो०

ट्रैक्टर/रोड रोत्तर आदि

25-1500

12 मिडवाइफ (शिक्षित) / कर 330-495 825-15-900-दोरो-20-
 एवं राजस्व मोहररि / 1200
 लाइनमैन / पम्प ड्राइवर /
 पाइप लाइन फिटर /
 मिस्त्री / मोटर मैकेनिक /
 इलेक्ट्रीशियन / पम्प
 आपरेटर / मीटर रीडर /
 फिटर / नलकूप चालक /
 जूनियर फिटर

13 नायब कर एवं राजस्व 325-475 800-15-1010-दोरो-
 मोहररि / लाइब्रेरियन 20-1150.
 नान-मैट्रिक / वैक्यू-
 नेटर (टीकाकार) /
 अमीन / वर्क एजेन्ट / वर्क
 सुपरवाइजर / मिड वाइफ
 (अप्रशिक्षित) / कर
 समाहता / मीटर रीडर /
 मीटर मैकेनिक फिटर /
 पम्प ड्राइवर / कार
 ड्राइवर / ट्रेक्टर ड्राइवर /
 राजगीर / लोहर / बर्दई /
 जूनियर लाइनमैन

It further appears from the contents of para 4 of the counter affidavit filed by the contesting respondent Nos. 3 to 5 that the petitioner was appointed on the post of "Tax Collector" (Kar Sangrahaakar), which on reproduction reads as under:-

"4. That the petitioner's claim mainly by means of present writ petition is recovery of Rs. 2000/- per month from his salary be not be made and this Hon'ble Court may permit the petitioner to continue on the post of Tax Collector (Kar Sangrahaakar) in scale of Rs. 950-1500/-."

In para 10 of the counter affidavit, it has also been stated that the services of the petitioner on the post of "Tax Collector" were confirmed by the Authorities vide letter dated 22.10.1992.

In view of the aforesaid facts, it is established that the petitioner was appointed vide order dated 03.08.1991 on the post of "Tax Collector" having pay-scale of Rs. 950-1500/- and not on the post of "Kar Samaharta" (कर समाहता).

In view of the aforesaid finding, the audit objection so as the reduction of pay from the pay-scale of Rs. 950-1500/- to the pay-scale of

Rs. 800-1150/- is unsustainable in the eye of law and is liable to be interfered with by this Court.

For the foregoing reasons, the writ petition for the reliefs sought is *allowed*. Consequences shall follow.

It is further provided that if the recovery, as stated, has been made from the salary of the petitioner by the contesting respondent Nos. 3 to 5, then the amount so recovered shall be refunded to the petitioner within three months from the date of production of certified copy of this order. It shall be paid with simple interest @ 6% per annum.

Order Date :- 25.2.2020

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02.03.2020

Section Officer,
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High Court Lucknow Bench
Lucknow

(11)

Neutral Citation No. - 2024:AHC-LKO:36893

Court No. - 20

Case :- WRIT - A No. - 3734 of 2024

Petitioner :- Shiv Kumar**Respondent :-** State Of U.P. Thru. Prin. Secy. Deptt. Of Urban Development Lko. U.P. And 3 Others**Counsel for Petitioner :-** Anju Singh, Dinesh Kumar Ojha**Counsel for Respondent :-** C.S.C., Sampurna Nand Shukla**Hon'ble Shree Prakash Singh, J.**

Heard learned counsel for the petitioner, Sri R.S.Tewari, learned counsel for the State and Sri Pankaj Shukla, Advocate, holding brief of Sri Sampurna Nand Shukla, learned counsel for the opposite parties no. 3 & 4.

Instant writ petition has been filed seeking the following reliefs :-

"(1) Issue a writ, order or direction in the nature of mandamus commanding the opp. parties to grant the post retiral benefits including, Gratuity, arrears and others consequential service benefits in compliance of report dated 22.02.2023 uploaded by the opp. party no. 3, i.e. Executive Officer, Nagar Palika Parishad, Belha, District Pratapgarh, which is contained as annexure No. 4 to this writ petition.

(ii) Issue a writ, order or direction in the nature of mandamus commanding to the opp. party to make payment of post retiral benefit with interest of market rate from the date of retirement till date of actual payment to the petitioner.

(iii) Issue a writ, order or direction in the nature of mandamus commanding to the opp. party no. 3 to take the necessary decision on the pending representation dated 20.08.2022, regarding the payment of post retiral benefits including, Gratuity, and others consequential benefits, due arrears with interest of market rate till the date of actual date of payment, which contained as annexure No. 2 to this writ petition.

(iv) Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case in favo the petitioner."

After arguing at some length, learned counsel appearing for the petitioner submits that the interest of justice would be sub-served, if this Hon'ble Court may be pleased to direct the

HIGH COURT OF JUDICATURE AT ALLAHABAD

opposite party no. 3 to consider and decide the representation of the petitioner dated 20-08-2022, within stipulated period of time, as may be fixed by this court.

Learned counsels appearing for the opposite parties have no objection to the contention aforesaid.

In view of the above and without entering into the merits of the case, the opposite party no. 3 is hereby directed to consider and decide the representation of the petitioner dated 20-08-2022, within period of eight weeks from the date a certified copy of this order is produced before him, if it is available with the authority concerned.

With the aforesaid observations, the writ petition is **disposed of.**

Order Date :- 14.5.2024
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Lucknow

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Court No. - 17

Case :- WRIT - A No. - 1096 of 2024

Petitioner :- Shitala Prasad Singh

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Urban Development Deptt. Lko. And 3 Others

Counsel for Petitioner :- Anup Kumar Mishra

Counsel for Respondent :- C.S.C., Sampurna Nand Shukla

Hon'ble Manish Mathur, J.

Heard learned counsel for petitioner, learned State Counsel appearing on behalf of opposite parties 1 and 2 and Mr. Sampurna Nand Shukla learned counsel for opposite parties 3 and 4.

Petition has been filed seeking a direction to the opposite parties for expeditious payment of all retrial benefits due to petitioner along with arrears of salary and arrears of pension along with interest.

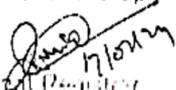
For the aforesaid grievance, the petitioner has already submitted a representation but seeks liberty to file a fresh representation before the authority concerned.

Considering innocuous prayer being made by learned counsel for the petitioner and without entering into the merits of the case petitioner is granted liberty to file a fresh representation before opposite party No. 4 i.e. Executive Officer, Nagar Palika Parishad, Belha, Pratapgarh. In case such a representation is filed, the same shall be decided within period of six weeks from the date a certified copy of this order is produced before the said authority. He shall also take into account the delay in payment and shall pass appropriate orders with regard to interest payable to petitioner as well.

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

Order Date :- 15.2.2024
prabhat

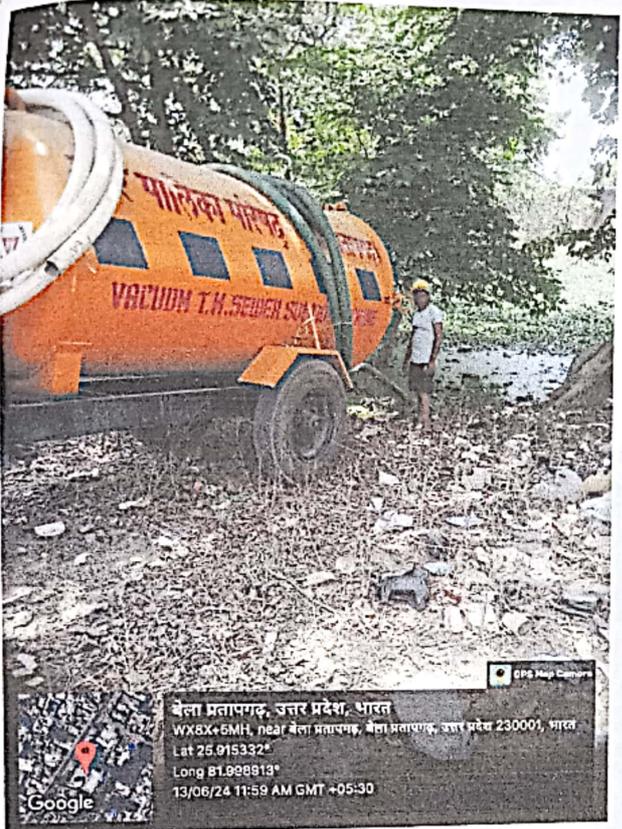
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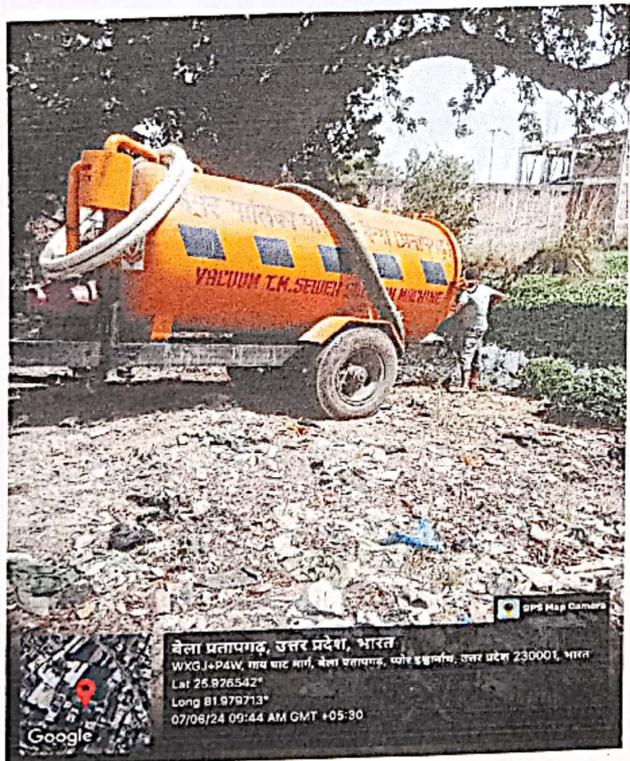
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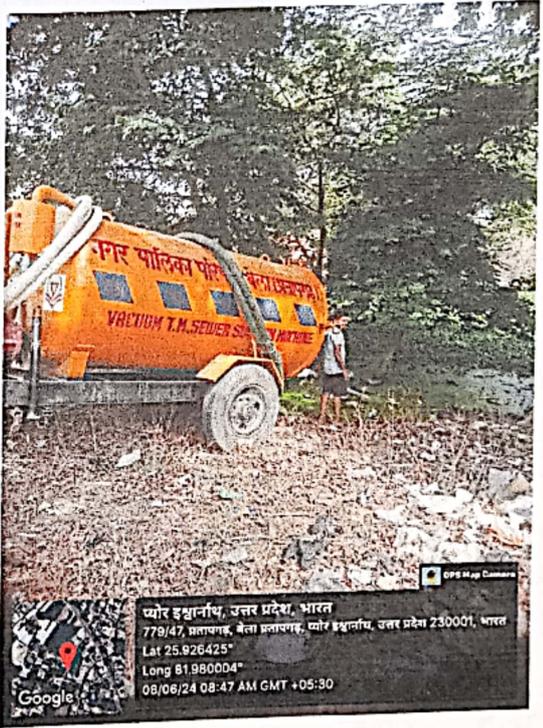
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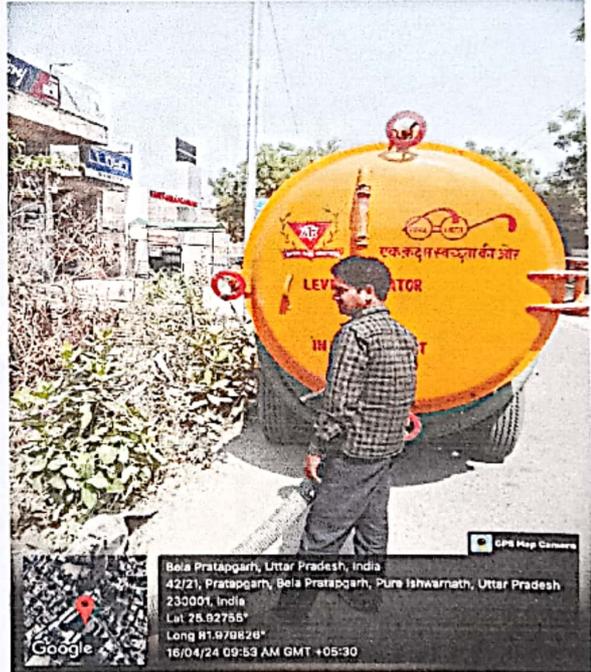
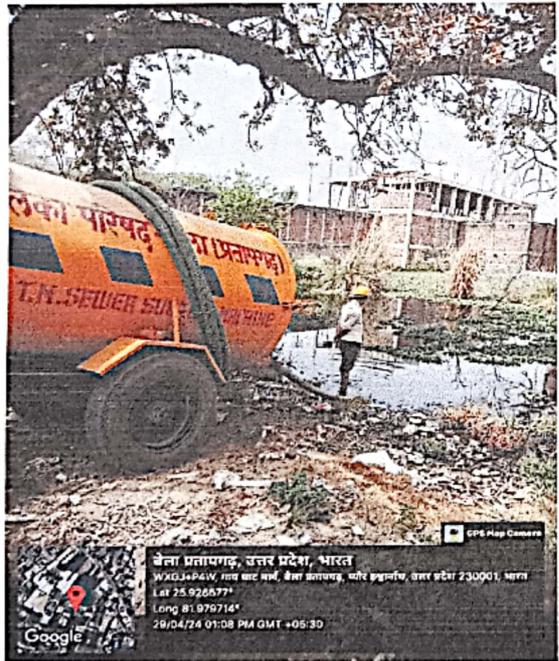
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चौर इशानाथ, उत्तर प्रदेश, भारत
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 अधिशासी अधिकारी
 नगर पालिका परिषद
 बेल्हा-प्रतापगढ
 संतोष कुमार सिंघ
 सफाई निरीक्षक
 नगर पालिका परिषद
 बेल्हा-प्रतापगढ



अधिशासी अधिकारी
 नगर पालिका परिषद
 बेल्हा-प्रतापगढ़

संतोष कुमार सिंह
 सफाई निरीक्षक
 नगर पालिका परिषद
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