

Ravindra Nath Taigor vs State Of U.P. Thru Secy.Basic Edu.Civil ... on 28 February, 2018

Author: Vivek Chaudhary

Bench: Vivek Chaudhary

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

A.F.R.

Reserved On:-30.01.2018

Delivered On:28.02.2018

Court No.-19

1. Case :- SERVICE SINGLE No. - 7762 of 2017

Petitioner :- Ravindra Nath Taigor

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lko. & Ors.

Counsel for Petitioner :- Gopesh Tripathi

Counsel for Respondent :- C.S.C.,Rahul Shukla

2. Case :- SERVICE SINGLE No. - 31005 of 2016

Petitioner :- Rakesh Kumar Srivastava

Respondent :- State Of U.P Thru Secy Basic Edu Lko & Ors

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C,Ajay Kumar

3. Case :- SERVICE SINGLE No. - 1676 of 2015

Petitioner :- Manoj Kumar And 2 Ors.

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P.Lucknow & Ors.

Counsel for Petitioner :- D.R. Misra

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

4. Case :- SERVICE SINGLE No. - 481 of 2017

Petitioner :- Lalit Kumar And Another

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

5. Case :- SERVICE SINGLE No. - 1577 of 2015

Petitioner :- Sanjay Kumar And 3 Ors.

Respondent :- State Of U.P.Thru Secy.Basic Edu.Govt.Of Up Civil Sectt.&Ors

Counsel for Petitioner :- D.R. Misra

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

6. Case :- SERVICE SINGLE No. - 15614 of 2016

Petitioner :- Brijesh Kumar Singh

Respondent :- State Of U.P. Thru Secy.Basic Edu. Govt. Of Up Lko. & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Shobhit Mohan Shukla

7. Case :- SERVICE SINGLE No. - 26 of 2017

Petitioner :- Udai Veer Singh And 5 Ors.

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lko. & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

8. Case :- SERVICE SINGLE No. - 3532 of 2016

Petitioner :- Mayendra Kumar Singh And Another

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Civil Sectt&Ors

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

9. Case :- SERVICE SINGLE No. - 15644 of 2016

Petitioner :- Ram Dayal

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt. Of U.P. Lko.&Others

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

10 Case :- SERVICE SINGLE No. - 1012 of 2017

Petitioner :- Arun Kant

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P.Lucknow & Ors.

Counsel for Petitioner :- Rajiv Pandey

Counsel for Respondent :- C.S.C.,Ajai Kumar

11. Case :- SERVICE SINGLE No. - 6771 of 2015

Petitioner :- Pravesh Kumar

Respondent :- State Of U.P. Thru. Secretary Basic Education & 3 Others

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

12. Case :- SERVICE SINGLE No. - 15892 of 2016

Petitioner :- Ravi Kumar

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Shobhit Mohan Shukla

13. Case :- SERVICE SINGLE No. - 1302 of 2017

Petitioner :- Krishna Vir Singh

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt. Of Up Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

14. Case :- SERVICE SINGLE No. - 7535 of 2016

Petitioner :- Diwakar Verma

Respondent :- State Of U.P. Thru Prin.Secy.Basic Edu.Civil Sectt.Lko.&Ors.

Counsel for Petitioner :- Jay Prakash Singh

Counsel for Respondent :- C.S.C.,Ajay Kumar

15. Case :- SERVICE SINGLE No. - 15933 of 2016

Petitioner :- Prabhakar

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

16. Case :- SERVICE SINGLE No. - 4606 of 2017

Petitioner :- Pradeep Kumar And 5 Ors.

Respondent :- State Of U.P. Thru Prin.Secy. Basic Edu.Civil Sectt. & Ors.

Counsel for Petitioner :- Pawan Kumar Pandey

Counsel for Respondent :- C.S.C.,Ajay Kumar

17. Case :- SERVICE SINGLE No. - 9458 of 2016

Petitioner :- Mayank Sharma And Another

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

18. Case :- SERVICE SINGLE No. - 16076 of 2016

Petitioner :- Shahnawaz Athar

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

19. Case :- SERVICE SINGLE No. - 4608 of 2017

Petitioner :- Saneev Kumar And 5 Ors.

Respondent :- State Of U.P. Thru Prin.Secy. Basic Edu.Civil Sectt. & Ors.

Counsel for Petitioner :- Pawan Kumar Pandey

Counsel for Respondent :- C.S.C.,Ajay Kumar

20. Case :- SERVICE SINGLE No. - 9918 of 2016

Petitioner :- Vinod Kumar And Another

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

21. Case :- SERVICE SINGLE No. - 16203 of 2016

Petitioner :- Anand Pratap Singh

Respondent :- State Of U.P.Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

22. Case :- SERVICE SINGLE No. - 4684 of 2017

Petitioner :- Vipendra Sharma And 5 Ors.

Respondent :- State Of U.P. Thru Prin.Secy.Basic Edu.Civil Sectt.Lko.&Ors.

Counsel for Petitioner :- Pawan Kumar Pandey,Shashank Singh

Counsel for Respondent :- C.S.C.,Ajay Kumar

23. Case :- SERVICE SINGLE No. - 9991 of 2016

Petitioner :- Bharat Sharma And Another

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

24. Case :- SERVICE SINGLE No. - 16218 of 2016

Petitioner :- Govind Singh Kushwaha

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P. Lucknow &Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

25. Case :- SERVICE SINGLE No. - 4714 of 2017

Petitioner :- Vineet Kumar And 5 Ors.

Respondent :- State Of U.P. Thru Prin.Secy.Basic Edu.Civil Sectt. & Ors.

Counsel for Petitioner :- Pawan Kumar Pandey

Counsel for Respondent :- C.S.C.,Ajay Kumar

26. Case :- SERVICE SINGLE No. - 10124 of 2016

Petitioner :- Sanjeev Kumar Tyagi And Another

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

27. Case :- SERVICE SINGLE No. - 16841 of 2016

Petitioner :- Rajesh Kumar Panday

Respondent :- State Of U.P Thru Secy Basic Edu Lko & Ors

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C,Jogendra Nath Verma

28. Case :- SERVICE SINGLE No. - 5132 of 2017

Petitioner :- Abhishek Saxena

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lko.& Others

Counsel for Petitioner :- Rajat Bansal

Counsel for Respondent :- C.S.C.,Ajay Kumar

29. Case :- SERVICE SINGLE No. - 10126 of 2016

Petitioner :- Naveen Kumar And Another

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

30. Case :- SERVICE SINGLE No. - 16860 of 2016

Petitioner :- Vinod Kumar

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P. Lko. & Ors.

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

31. Case :- SERVICE SINGLE No. - 5186 of 2017

Petitioner :- Saiful Islam

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Shobhit Mohan Shukla

32. Case :- SERVICE SINGLE No. - 10587 of 2016

Petitioner :- Jagmohan Sharma And Another

Respondent :- State Of U.P.Thru Secy.Basic Edu.Govt.Of Up Civil Sectt.&Ors

Counsel for Petitioner :- Ranjana Srivastava,Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

33. Case :- SERVICE SINGLE No. - 16881 of 2016

Petitioner :- Saroj Kumar Rahi

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

34. Case :- SERVICE SINGLE No. - 5325 of 2017

Petitioner :- Virendra Kumar Mishra

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lucknow & Ors.

Counsel for Petitioner :- Gopesh Tripathi

Counsel for Respondent :- C.S.C.,Rahul Shukla

35. Case :- SERVICE SINGLE No. - 10628 of 2016

Petitioner :- Pramod Kumar

Respondent :- State Of U.P. Thru. Secretary Basic Education & 3 Others

Counsel for Petitioner :- Abhijeet Kumar Srivastava

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

35. Case :- SERVICE SINGLE No. - 16960 of 2016

Petitioner :- Shiv Shankar Lal Chaudhary

Respondent :- State Of U.P Thru Secy Basic Edu Lko & Ors

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C,Jogendra Nath Verma

37. Case :- SERVICE SINGLE No. - 6275 of 2017

Petitioner :- Jitendra Kumar

Respondent :- State Of U.P Thru Secy Basic Edu Lko & Ors

Counsel for Petitioner :- Shiv Kumar

Counsel for Respondent :- C.S.C,Jogendra Nath Verma

38. Case :- SERVICE SINGLE No. - 10975 of 2016

Petitioner :- Pardeep Kumar Awasthi

Respondent :- State Of U.P. Thru Secy.Deptt.Of Basic Edu.Govt.Of Up & Ors.

Counsel for Petitioner :- Sudhir Kumar Misra

Counsel for Respondent :- C.S.C.,S.M. Shukla

39. Case :- SERVICE SINGLE No. - 16967 of 2016

Petitioner :- Awdhesh Kumar

Respondent :- State Of U.P Thru Secy Basic Edu Lko & Ors

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C,Jogendra Nath Verma

40. Case :- SERVICE SINGLE No. - 6301 of 2017

Petitioner :- Mohd. Imran

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lukcnw & Ors.

Counsel for Petitioner :- Shiv Kumar

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

41. Case :- SERVICE SINGLE No. - 11783 of 2016

Petitioner :- Pankaj Kumar Singh

Respondent :- State Of U.P. Thru Secy.Deptt.Of Basic Edu.Civil Sectt.& Ors

Counsel for Petitioner :- Birendra Narain Shukla

Counsel for Respondent :- C.S.C.,Prashant Arora

42. Case :- SERVICE SINGLE No. - 17314 of 2016

Petitioner :- Vinita Gupta

Respondent :- State Of U.P. Thru. Secy. Basic Edu. Govt. Of U.P. & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

43. Case :- SERVICE SINGLE No. - 7546 of 2014

Petitioner :- Akshya Kumar

Respondent :- State Of U.P. Through Secy. Basic Edu. Lko. & Ors.

Counsel for Petitioner :- Dharm Raj Mishra

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

44. Case :- SERVICE SINGLE No. - 12464 of 2016

Petitioner :- Manoj Kumar And Another

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lukcnw & Ors.

Counsel for Petitioner :- Abhijeet Kumar Srivastava

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

45. Case :- SERVICE SINGLE No. - 17317 of 2016

Petitioner :- Birendra Singh

Respondent :- State Of U.P. Thru. Secy. Basic Edu. Govt. Of U.P. & Ors.

Counsel for Petitioner :- Dharm Raj Misra,Vineeta Mishra

Counsel for Respondent :- C.S.C.,Ajay Kumar

46. Case :- SERVICE SINGLE No. - 179 of 2015

Petitioner :- Yatendra Kumar Sharma

Respondent :- State Of U.P. Through Secy. Basic Edu. Lko. & Ors.

Counsel for Petitioner :- Dharm Raj Mishra

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

47. Case :- SERVICE SINGLE No. - 12496 of 2016

Petitioner :- Ram Kumar Sharma

Respondent :- State Of U.P. Thru Secy.Basic Edu. Govt. Of U.P. Lko. & Ors.

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

48. Case :- SERVICE SINGLE No. - 17365 of 2016

Petitioner :- Krishan Kumar Sharma

Respondent :- State Of U.P Thru Secy Basic Edu Lko & Ors

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C,Jogendra Nath Verma

49. Case :- SERVICE SINGLE No. - 1573 of 2015

Petitioner :- Mukesh Kumar Agrawal And 4 Ors.

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P. Lko. & Others

Counsel for Petitioner :- D.R. Misra

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

50. Case :- SERVICE SINGLE No. - 12562 of 2016

Petitioner :- Mahesh Kumar Sharma

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

51. Case :- SERVICE SINGLE No. - 17942 of 2016

Petitioner :- Aditya Kumar Mishra & Anr.

Respondent :- State Of U.P. Thru. Secretary Basic Education & 3 Others

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C,Ajay Kumar

52. Case :- SERVICE SINGLE No. - 1574 of 2015

Petitioner :- Ravi Kant And 4 Ors.

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P. Lko. & Others

Counsel for Petitioner :- D.R. Misra

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

53. Case :- SERVICE SINGLE No. - 12566 of 2016

Petitioner :- Atal Kumar Sharma And Another

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

54. Case :- SERVICE SINGLE No. - 18355 of 2016

Petitioner :- Ram Gopal Verma & Ors

Respondent :- State Of U.P Thru Secy Basic Edu Lko & Ors

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C,Ajay Kumar,Jogendra Nath Verma

55. Case :- SERVICE SINGLE No. - 1575 of 2015

Petitioner :- Jitendra Kumar And 4 Ors.

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P. Lko. & Others

Counsel for Petitioner :- D.R. Misra

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

56. Case :- SERVICE SINGLE No. - 12616 of 2016

Petitioner :- Mukesh Kumar Sharma And Another

Respondent :- State Of U.P.Thru Secy.Basic Edu.Govt. Of Up Lko. & Ors.

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

57.. Case :- SERVICE SINGLE No. - 18670 of 2016

Petitioner :- Smt. Mamta Tiwari

Respondent :- State Of U.P. Thru Prin.Secy.Basic Edu.Civil Sectt.Lko.& Ors

Counsel for Petitioner :- Jay Prakash Singh

Counsel for Respondent :- C.S.C.,Ajay Kumar

58. Case :- SERVICE SINGLE No. - 2254 of 2015

Petitioner :- Ajeet Kumar And Another

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P. Lucknow &Ors.

Counsel for Petitioner :- D.R. Misra

Counsel for Respondent :- C.S.C.,J.N. Verma

59. Case :- SERVICE SINGLE No. - 12836 of 2016

Petitioner :- Smt. Alpana Gaur

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

60. Case :- SERVICE SINGLE No. - 18684 of 2016

Petitioner :- Vinod Kumar Singh

Respondent :- State Of U.P Thru Prin Secy Basic Edu Lko & Ors

Counsel for Petitioner :- Jay Prakash Singh

Counsel for Respondent :- C.S.C,Ajay Kumar

61. Case :- SERVICE SINGLE No. - 2627 of 2015

Petitioner :- Pradeep Kumar

Respondent :- State Of U.P.Thru. Secy. Basic Education & 3 Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

62. Case :- SERVICE SINGLE No. - 12845 of 2016

Petitioner :- Smt. Anjana Sharma

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P.Lucknow &Ors.

Counsel for Petitioner :- Abhijeet Kumar Srivastav

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

63. Case :- SERVICE SINGLE No. - 18965 of 2016

Petitioner :- Sunil Kumar And Another

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P. Lko. & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Shobhit Mohan Shukla

64. Case :- SERVICE SINGLE No. - 2427 of 2015

Petitioner :- Vipin Kumar And 5 Ors.

Respondent :- State Of U.P.Thru Secy Basic Edu.Govt Of U.P. Lucknow & Ors.

Counsel for Petitioner :- D.R. Misra

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

65. Case :- SERVICE SINGLE No. - 13115 of 2016

Petitioner :- Shivmangal Singh And 3 Ors.

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lko. & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

66. Case :- SERVICE SINGLE No. - 19331 of 2016

Petitioner :- Vibha Tripathi

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lko. & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Shobhit Mohan Shukla

67. Case :- SERVICE SINGLE No. - 2437 of 2015

Petitioner :- Hari Om Sharma And 5 Ors.

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P. Lucknow &Ors.

Counsel for Petitioner :- D.R. Misra

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

68. Case :- SERVICE SINGLE No. - 13303 of 2016

Petitioner :- Yogesh Kumar

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

69. Case :- SERVICE SINGLE No. - 19513 of 2016

Petitioner :- Jeet Bahadur Singh

Respondent :- State Of U.P. Thru Prin.Secy.Basic Edu.Civil Sectt.Lko.& Ors

Counsel for Petitioner :- Jay Prakash Singh

Counsel for Respondent :- C.S.C.,Ajay Kumar

70. Case :- SERVICE SINGLE No. - 19713 of 2016

Petitioner :- Jitendra Kumar Sharma

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Shiv Kumar

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

71. Case :- SERVICE SINGLE No. - 20494 of 2016

Petitioner :- Satish Kumar Dubey And Another

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar,Jogendra Nath Verma

72. Case :- SERVICE SINGLE No. - 20976 of 2016

Petitioner :- Mohammad Zubair Shahid Ansari

Respondent :- State Of U.P. Thru Prin.Secy.Basic Edu.Civil Sectt.Lko.&Ors.

Counsel for Petitioner :- Jay Prakash Singh

Counsel for Respondent :- C.S.C.,Ajay Kumar

73. Case :- SERVICE SINGLE No. - 21702 of 2016

Petitioner :- Ajay Singh And 3 Ors.

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Rajiv Pandey,Shiv Nath Goswami

Counsel for Respondent :- C.S.C.,Ajay Kumar

74. Case :- SERVICE SINGLE No. - 22100 of 2016

Petitioner :- Himanshu Srivastava

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P. Lko. & Ors.

Counsel for Petitioner :- Shiv Kumar

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

75. Case :- SERVICE SINGLE No. - 22165 of 2016

Petitioner :- Pradeep Kumar

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P. Lko. & Ors.

Counsel for Petitioner :- Shiv Kumar

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

76. Case :- SERVICE SINGLE No. - 22254 of 2016

Petitioner :- Shamsher Bahadur Rai

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P. Lucknow &Ors.

Counsel for Petitioner :- Shiv Kumar

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

77. Case :- SERVICE SINGLE No. - 23621 of 2016

Petitioner :- Rohit Kumar Yadav

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lko. & Ors.

Counsel for Petitioner :- Shiv Kumar

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

78. Case :- SERVICE SINGLE No. - 23623 of 2016

Petitioner :- Santosh Kumar

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lko. & Ors.

Counsel for Petitioner :- Shiv Kumar

Counsel for Respondent :- C.S.C.,Jogendra Nath Yadav

79. Case :- SERVICE SINGLE No. - 23756 of 2016

Petitioner :- Deepak Kumar Pandey

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Shiv Kumar

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

80. Case :- SERVICE SINGLE No. - 23771 of 2016

Petitioner :- Krishna Raj Yadav

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Shiv Kumar

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

81. Case :- SERVICE SINGLE No. - 24617 of 2016

Petitioner :- Miss. Subhra Acharya

Respondent :- State Of U.P. Thru Secy. Basic Edu.Govt.Of U.P. Lucknow &Ors

Counsel for Petitioner :- Shiv Kumar

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

82. Case :- SERVICE SINGLE No. - 24667 of 2016

Petitioner :- Smt. Anita Shrivastava

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lko. & Ors.

Counsel for Petitioner :- Shiv Kumar

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

83. Case :- SERVICE SINGLE No. - 20081 of 2016

Petitioner :- Anu Mogha

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

84. Case :- SERVICE SINGLE No. - 20354 of 2016

Petitioner :- Vinod Kumar & Ors.

Respondent :- State Of U.P. Thru. Secy. Basic Edu. Govt. Of U.P. & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C,Shobhit Mohan Shukla

85. Case :- SERVICE SINGLE No. - 20399 of 2016

Petitioner :- Lokesh Kumar Bhardwaj And 2 Ors.

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P. Lucknow &Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar,Jogendra Nath Verma

86. Case :- SERVICE SINGLE No. - 20896 of 2016

Petitioner :- Umesh Chandra Shukla

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P. Lucknow &Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

87. Case :- SERVICE SINGLE No. - 22074 of 2016

Petitioner :- Amit Srivastava

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P. Lko. & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

88. Case :- SERVICE SINGLE No. - 22125 of 2016

Petitioner :- Kartar Singh And Another

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra,Vineeta Mishra

Counsel for Respondent :- C.S.C.,Ajay Kumar

89. Case :- SERVICE SINGLE No. - 25169 of 2016

Petitioner :- Sanjay Kumar Pandey

Respondent :- State Of U.P. Thru Prin.Secy.Basic Edu.Civil Sectt.Lko.&Ors.

Counsel for Petitioner :- Anil Kumar Tiwari

Counsel for Respondent :- C.S.C.,Prashant Arora

90. Case :- SERVICE SINGLE No. - 31070 of 2016

Petitioner :- Sunil Kumar Maheshwari And 2 Ors.

Respondent :- State Of U.P.Thru Secy.Basic Edu.Govt.Of Up Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

91. Case :- SERVICE SINGLE No. - 10918 of 2017

Petitioner :- Smt. Shashi Tripathi And 8 Ors.

Respondent :- State Of U.P.Thru Prin.Secy.Basic Edu.Civil Sectt.Lko.& Ors.

Counsel for Petitioner :- Pawan Kumar Pandey

Counsel for Respondent :- C.S.C.,Ajay Kumar

92. Case :- SERVICE SINGLE No. - 10926 of 2017

Petitioner :- Pankaj Kumar And 2 Ors.

Respondent :- State Of U.P. Thru Prin.Secy.Basic Edu.Civil Sectt.& Ors.

Counsel for Petitioner :- Pawan Kumar Pandey

Counsel for Respondent :- C.S.C.,Ajay Kumar

93. Case :- SERVICE SINGLE No. - 15135 of 2017

Petitioner :- Syed Sarwar Ali And 2 Ors.

Respondent :- State Of U.P. Thru Secy.Basic Edu. Civil Sectt. Lko. & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

94. Case :- SERVICE SINGLE No. - 15153 of 2017

Petitioner :- Anil Kumar And 3 Ors.

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

95. Case :- SERVICE SINGLE No. - 15255 of 2017

Petitioner :- Hari Shankar Shukla & Ors.

Respondent :- State Of U.P. Thru. Secy. Basic Edu. Govt. Of U.P. & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C,Ajay Kumar,Sandeep K. Yadav

96. Case :- SERVICE SINGLE No. - 15903 of 2017

Petitioner :- Krishan Pal Shakya And 2 Ors.

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lucknow &Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar,Jogendra Nath Verma

97. Case :- SERVICE SINGLE No. - 12054 of 2017

Petitioner :- Ashok Kumar And 5 Ors.

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lko. & Ors.

Counsel for Petitioner :- Dharm Raj Misra,Mayank Singh

Counsel for Respondent :- C.S.C.,Ajay Kumar,Jogendra Nath Verma

98. Case :- SERVICE SINGLE No. - 12768 of 2017

Petitioner :- Vineet Kumar Gupta & Ors.

Respondent :- State Of Up Thru. Secy Basic Education & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C,Ajay Kumar,Jogendra Nath Verma

99. Case :- SERVICE SINGLE No. - 12970 of 2017

Petitioner :- Munish Kumar Saxena & Others

Respondent :- State Of U.P. Thru. Secy. Basic Education & Ors.

Counsel for Petitioner :- Dharm Raj Misra,Mayank Singh,Surendra Kumar Mishra

Counsel for Respondent :- C.S.C.,Ajay Kumar,Jogendra Nath Verma

100. Case :- SERVICE SINGLE No. - 12988 of 2017

Petitioner :- Bhupendra Prasad Sharma & Another

Respondent :- State Of U.P. Thru. Secy. Basic Education & Ors.

Counsel for Petitioner :- Dharm Raj Misra,Mayank Singh

Counsel for Respondent :- C.S.C.,Ajay Kumar,Jogendra Nath Verma

101. Case :- SERVICE SINGLE No. - 15397 of 2017

Petitioner :- Syed Shahrukh Mubin

Respondent :- State Of U.P. Thru Secy.Basic Edu. Civil Sectt. Lucknow &Ors

Counsel for Petitioner :- Farooq Ayoob

Counsel for Respondent :- C.S.C.,Rahul Shukla

102. Case :- SERVICE SINGLE No. - 15465 of 2017

Petitioner :- Girish Kumar And 7 Ors.

Respondent :- State Of U.P. Thru Secy.Basic Edu. Civil Sectt. Lko. & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Sandeep Kumar Yadav

103. Case :- SERVICE SINGLE No. - 15493 of 2017

Petitioner :- Subhash Chandra Saxena And 5 Ors.

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt. Lko. & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Sandeep Kumar Yadav

104. Case :- SERVICE SINGLE No. - 8039 of 2016

Petitioner :- Shahmir Alam

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lucknow & Ors.

Counsel for Petitioner :- Surya Kant Singh,Manish Kumar Pandey,Utkarsh Kumar

Counsel for Respondent :- C.S.C.,Ghaus Beg

105. Case :- SERVICE SINGLE No. - 16396 of 2017

Petitioner :- Arun Kumar Shakya

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

106. Case :- SERVICE SINGLE No. - 16080 of 2017

Petitioner :- Rahul Singh

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lucknow & Ors.

Counsel for Petitioner :- Vinay Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

107. Case :- SERVICE SINGLE No. - 16082 of 2017

Petitioner :- Vyom Gupta

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lucknow & Ors.

Counsel for Petitioner :- Vinay Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

108. Case :- SERVICE SINGLE No. - 16083 of 2017

Petitioner :- Neeraj Kumar Saxena

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

109. Case :- SERVICE SINGLE No. - 17318 of 2017

Petitioner :- Sanjay Sisodiya And 5 Ors.

Respondent :- State Of U.P. Thru Prin.Secy.Basic Edu.Civil Sectt.Lko.&Ors.

Counsel for Petitioner :- Rajiv Pandey

Counsel for Respondent :- C.S.C.,Ajay Kumar

110. Case :- SERVICE SINGLE No. - 17939 of 2017

Petitioner :- Praveen Kumar

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

111. Case :- SERVICE SINGLE No. - 18652 of 2017

Petitioner :- Sumit Chaudhary

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt. Lko. & Ors.

Counsel for Petitioner :- Vinay Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

112. Case :- SERVICE SINGLE No. - 18688 of 2017

Petitioner :- Mukesh Kumar

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt. Lucknow & Ors

Counsel for Petitioner :- Vinay Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

113. Case :- SERVICE SINGLE No. - 18728 of 2017

Petitioner :- Alok Pandey

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lko. & Ors.

Counsel for Petitioner :- Ajay Pratap Singh

Counsel for Respondent :- C.S.C.,Ajay Kumar

114. Case :- SERVICE SINGLE No. - 24458 of 2017

Petitioner :- Smt. Manojbala Sharma And Another

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

115. Case :- SERVICE SINGLE No. - 24425 of 2017

Petitioner :- Rajendra Kumar

Respondent :- State Of U.P. Thru Secy.Basic Edu. Civil Sectt. Lko. & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

116. Case :- SERVICE SINGLE No. - 6990 of 2014

Petitioner :- Bijendra Kumar And Another

Respondent :- State Of U.P. Thru Secy.Basic Edu.Govt.Of U.P. Lucknow &Ors.

Counsel for Petitioner :- D.R. Misra

Counsel for Respondent :- C.S.C.,Jogendra Nath Verma

117. Case :- SERVICE SINGLE No. - 4842 of 2014

Petitioner :- Ajay Kumar Sharma

Respondent :- State Of U.P. Through Secy. Basic Edu. Lko. & Ors.

Counsel for Petitioner :- Vinay Mishra

Counsel for Respondent :- C.S.C.,J.N.Verma

118. Case :- SERVICE SINGLE No. - 5823 of 2017

Petitioner :- Sanjay Kumar And 5 Ors.

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lucknow & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

119. Case :- SERVICE SINGLE No. - 21446 of 2017

Petitioner :- Samad Ali

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lucknow &Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

120. Case :- SERVICE SINGLE No. - 21221 of 2017

Petitioner :- Akhilesh Bahadur Singh

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lucknow & Ors.

Counsel for Petitioner :- Ram Ji Trivedi

Counsel for Respondent :- C.S.C.,Rajiv Singh Chauhan

121. Case :- SERVICE SINGLE No. - 25307 of 2017

Petitioner :- Pankaj Kumar And Another

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lko. & Ors.

Counsel for Petitioner :- Munni Lal Yadav,Shivaband Rawat

Counsel for Respondent :- C.S.C.,Rahul Shukla

122. Case :- SERVICE SINGLE No. - 19809 of 2017

Petitioner :- Vivek Kumar Arya

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lucknow & Ors.

Counsel for Petitioner :- Vinay Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

123. Case :- SERVICE SINGLE No. - 19912 of 2017

Petitioner :- Javed Zakir

Respondent :- State Of U.P. Thru Secy.Basic Edu.Sectt.Lucknow And Others

Counsel for Petitioner :- Vinay Misra

Counsel for Respondent :- C.S.C.

124. Case :- SERVICE SINGLE No. - 22728 of 2017

Petitioner :- Manoj Kumar Shukla

Respondent :- State Of U.P. Thru Prin.Secy.Basic Edu.Civil Sectt.Lko.&Ors.

Counsel for Petitioner :- O.P. Tiwari

Counsel for Respondent :- C.S.C.,Rajiv Singh Chauhan

125. Case :- SERVICE SINGLE No. - 25776 of 2017

Petitioner :- Vimal Kishore Bhatnagar

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lucknow & Ors.

Counsel for Petitioner :- Vinay Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

126. Case :- SERVICE SINGLE No. - 1078 of 2018

Petitioner :- Jaya Awasthi

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lko.& Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Shobhit Mohan Shukla

127. Case :- SERVICE SINGLE No. - 28251 of 2017

Petitioner :- Yogendra Prakash Rawat

Respondent :- State Of U.P. Thru Secy.Basic Edu.Civil Sectt.Lko. & Ors.

Counsel for Petitioner :- Dharm Raj Misra

Counsel for Respondent :- C.S.C.,Ajay Kumar

Hon'ble Vivek Chaudhary,J.

1. This bunch of writ petitions is filed by petitioners praying for quashing of Government Order dated 15.11.2011 issued by the State Government and for directions commanding opposite parties to treat petitioners covered by the old pension scheme and not to cover them under the new pension scheme introduced in the year 2005.

2. The facts of the case are short and simple. Petitioners, being dependents of employees of U.P. Basic Education Board (hereinafter Board) who died in harness, applied for appointment under the dying in harness policy, put in place by the Government Order dated 04.09.2000 (hereinafter GO of 2000). They all were appointed on different dates prior to the year 2005. The said appointments were made on the fixed pay of Rs.2750/- per month. Since appointment as a Assistant Teacher in a Basic School requires a mandatory training of B.T.C., they were immediately sent for training. Petitioners could complete the said training after the year 2005 and, thereafter, they were duly appointed as Assistant Teachers in Basic Schools and are since working as Assistant Teachers on regular pay scale.

3. It was in the year 2005 only (more specifically w.e.f. 01.04.2005) that by a notification the General Provident Fund Rules were amended and dispensed with and new defined contribution pension scheme was brought into force and thus the old pension scheme was dispensed with. The dispute is as to whether petitioners would be covered by the old pension scheme or it is the new defined contribution pension scheme which would be applicable on the petitioners.

4. The controversy involves two sets of rules. First being the Pension and Provident Fund Rules and other being appointment and service rules, applicable on the assistant teachers of the Board run Basic Schools, from time to time. Lets first go through the applicability of pension rules.

5. In Uttar Pradesh, for the purpose of the employees of the Board, a separate Provident Fund Rules, namely, U.P. Basic Education Provident Fund Rules, 1975 were notified. The said rules were framed in exercise of power under Section 19(1) of the U.P. Basic Education Act, 1972 (hereinafter Basic Education Act). The said Rules were applicable to every employee, who was either appointed by the Board or was transferred to the Board, as per the provisions of the Basic Education Act. On 08.03.1978, a Government Order was issued, whereby, a long pending demand of basic education teachers, for payment of pension at par with the state government employees, was considered and accepted. The said government order dated 08.03.1978 (hereinafter GO of 1978) modified/replaced the old contributory provident fund scheme applicable, by the General Provident Fund Scheme as was applicable on the state government employees. It provided that all basic education teachers appointed by the Board, who retired on 01.03.1977 or would be retiring thereafter, shall be paid pension at the same rate on which the Government school teachers, at par with them, were being paid and its computation was also to be done in the same manner as done with regard to the government employees. The said GO of 1978 provided an option, to the basic school teachers appointed prior to 01.03.1977, to opt for the new scheme. While teachers appointed after 01.03.1977 by the Board were not required to give any option and the General Provident Fund scheme was made applicable on them. For convenience the said Government Order is being quoted below:-

la[k% 5197@15¹/₄5¹/₂&79@77 isz"kd] Jh vt; 'kadj mi lfpo] mRrj izns'k 'kklu lsok esa] f'k{kk funs'kd ,oa v/;:] mRrj izns'k csfld f'k{kk ifj"kn~ ihjiqj gkml] fryd ekxZ] y[kuÅA f'k{kk¹/₄5¹/₂ vuqHkkx y[kuÅ% fnukad 8 ekpZ] 1978 fo"k;% mRrj izns'k csfld f'k{kk ifj"kn~ }kjk lapkfyr Ldwyksa ds f'k{kdksa ds lsok fuo`Rr ykHkksa esa ifjorZuA egksn;] eq>s vkils ;g dgus dk funs'k gqv k gS fd mRrj izns'k csfld f'k{kk ifj"kn~ }kjk lapkfyr izkbejh ,oa twfu;j gkbZ Ldwyksa ds f'k{kdksa dks tks ykHk=;h ;kstuk ls vuq'kkflr gSa orZeku fu;eksa ds v/khu tks lsok fuo`fRrd ykHk miyC/k gSa os jktdh; deZpkfj;ksa dks vuqeU; isa'ku vkfn ls vR;Yi gSa] ftlls os xr dqN le; ls ;g ekax dj jgs Fks fd mudh lsok fuo`fRrd ykHk bl izdkj Lohd`r fd;s tk;sa fd mUgSa jkT; deZpkfj;ksa dks vuqeU; nj ij isa'ku izkIr dj ldsaA bl fo"k; ij lE;adYi ls fopkjksijkUr 'kklu us ;g fu.kZ; fy;k gS fd 1 ekpZ]1997 dks ;k mlds i'pkr~ lsok fuo`Rr gq;s ;k lsok fuo`Rr gksus okys mDr fo|ky;ksa ds leLr LFkbbZ iw.kZdkfyd rFkk fu;fer f'k{kdksa dks mlh nj ij isa'ku ns; gksxh] ftl nj ij jktdh; fo|ky;ksa ds leku Lrj ,oa Js.kh ds f'k{kdksa dks vuqeU; gS rFkk mldk vkx.ku Hkh jktdh; deZpkfj;ksa ds fy;s ykxw izfdz;k ds vuqlkj fd;k tk;sxkA jkT; deZpkfj;ksa dks vuqeU; isa'ku dh njsa layXud&1 esa vafdr gSA ;g fu.kZ; fuEu fyf[kr izfrcU/kksa ds v/khu gSa & ¹/₄ ¹/₂ f'k{kdksa dks MsFk&de&fjV;k;esaV&xzsP;qfV ;k e`R;q ds i'pkr~ muds vkfJrksa dks ikfjokfjd isa'ku ns; ugha gksxhA ¹/₄ ²/₂ lkewfgd thou chek ;kstuk dk ykHk mUgSa iwoZor~ feyrk jgsxkA ³/₂ bu f'k{kdksa ij ykxw orZeku mRrj izns'k csfld f'k{kk Hkfo"; fuf/k fu;ekoyh] 1957 ds v/khu va'knk;h Hkfo"; fuf/k ;kstuk ds LFkku ij 1 ekpZ 1977 ls lkekU; Hkfo"; fuokZg fuf/k ;kstuk ykxw gksxh vkSj bl ;kstuk ds v/khu muds osru ls Hkfo"; fuokZg fuf/k dh dVksrh jkT; deZpkfj;ksa ds fy;s ykxw nj ls dh tk;sxh tks lEizfr

ewy osru dk 10% gS vkSj mUgSa csfld f'k{kk ifj"knh; va'knku ds :i esa dksbZ /kujkf'k ns; u gksxhA 1/44 1/2 bu f'k{kdkSa ds va'knk;h Hkfo"; fuokZg fuf/k ds [kkrs esa og lc /kujkf'k tks ftyk ifj"kn~] LFkkuh; fudk;ksa ,oa csfld f'k{kk ifj"kn~ ds va'knku ds :i esa 28 Qojh]1977 rd tek gks x;h gS ;k tek gksus ;ksX; gSa] ladfyr C;kt lfgr f'k{kk ds izkfIr 'kh"kZd ^ ^ o77&f'k{kk&p&lkekU;1/4bZ 1/2 vU; izkfIr;ka&13 izdh.kZ ^ ^ esa tek dh tk;sxh ,oa f'k{kdkSa ds va'knku dks leLr /kujkf'k C;kt lfgr jktDh; dks" esa iwoZor~ ys[kk'kh"kZd 838&LFkkuh; fuf/k;ksa ds fu{ksi&vU; &Lok;Rr fudk;ksa ds fu{ksi 1/4d 1/2 vk/kkfjd fo|ky;ksa 1/4csfld Ldwyksa 1/2 ds f'k{k.k ,oa f'k{k.ksRrj deZpkfj;ksa ds Hkfo"; fuf/k;ka ds ysu&nsu ^ ^ ds v/khu tek jgsaxh vkSj Hkfo"; esa iwoZor tek gksrh jgsaxhA 1/45 1/2 mijksDr isa'ku lekurk ds ykHk ikus ds ik= dsoy os gh f'k{kdk gksaxs tks vius izkfo/kk;h fuf/k ds ys[ks esa tek ftyk ifj"kn~ LFkkuh; fudk;ksa vFkok csfld f'k{kk ifj"kn~ ds va'knku dks ml ij ladfyr C;kt lfgr jktDks" esa tek dj nsus dh Lohd`fr nsaxsA 2- eq>s vkils ;g Hkh dgus dk funs'k gqv gS fd mDr ;kstuk ds varxZr isa'ku izkIr djus ds fy, izR;sd deZpkjh dks bl ckr dk fyf[kr fodYi nsuk gksaxk fd og bl ;kstuk ds v/khu isa'ku izkIr djuk pkgsxk vFkok 'kklukns'k laO,&5355@15&3133@1962] fnukad 17 fnlEcj] 1965 }kjk izlkfjr ykHk=;h ;kstuk ds vUrxZr isa'ku vkSj mRrj izns'k csfld f'k{kk ifj"kn~ Hkfo"; fuf/k fu;ekoyh] 1975 ds vUrxZr csfld f'k{kk ifj"kn~ dk va'knku izkIr djsxkA tks v/;kid uxj egkikfydk dh lsok ls gLrkUrj gksdj mRrj izns'k csfld f'k{kk ifj"kn~ dh lsok esa vk;s gSa vkSj ftUgksaus ykHk=;h ;kstuk ds fy;s fodYi ugha fn;k gS] mUgSa Hkh bl ckr dk fodYi nsuk gksxk fd og bl ;kstuk ds v/khu isa'ku ysuk pkgsxs vFkok lEcU/kr uxj egkikfydk ds fofu;eksa ds vuqlkj isa'ku ds ykHkksa dk mi;ksx djuk pkgsaxsA mDr fofu;eksa ds vUrxZr ns; isa'ku ds lkFk mRrj izns'k csfld f'k{kk Hkfo"; fuf/k fu;ekoyh] 1975 ds vUrxZr ns; ifj"knh; va'knku vuqeU; ugha gksxk vkSj muds [kkrs esa tks dqN Hkh ifj"knh; va'knku tek gS] og lapkfyr C;kt lfgr] mijksDr izLrj&1 1/44 1/2 esa bafxr ys[kk 'kh"kZd esa tek dj fy;k tk;sxkA ekpZ]1]1977 ds i'pkr~ tks Hkh v/;kid csfld f'k{kk ifj"kn~ }kjk fu;qDr fd;s x;s gSa ;k fd;s tk;saxs mu ij ;g ;kstuk vfuok;Z :i ls ykxw gksxh vkSj muls dksbZ fodYi Hkjkuk vko';d ugha gksxkA 3- eq>s ;g Hkh dguk gS fd bl jktkKk ds vUrxZr isa'ku Hkksfx;ksa dks os leLr vLFkk;h o`f);ka Hkh vuqeU; gksxh gks 1 ekpZ] 1977 rd lsok fuo`Rr gksus okys deZpkfj;ksa dks ias'ku esa le;□ij 'kklu }kjk Lohd`r dh xbZ gSaA lEizfr jktDh; isa'ku Hkksfx;ksa dks bl izdkj tks o`f);ka vuqeU; gS muds 'kklukns'kksa dk fooj.k layXud&2 esa vafdr gSA 4- eq>s ;g Hkh dguk gS fd f'k{kdk bl 'kklukns'k ds vUrxZr isa'ku izkIr djus dk fodYi nsrs gS muds lkekU; HkfOk"; fuokZg fuf/k dk ys[kk&tks[kk ftyk csfld f'k{kk vf/kdkjh ds dk;kZy; esa gh j[kk tk;sxk vkSj bl lEcU/k esa lkekU; Hkfo"; fuokZg fuf/k esa egaxkbZ dVksRr jktDks" esa fu{ksi ys[kk 'kh"kZd ^ ^ 838 LFkkuh; fuf/k;ksa ds fu{ksi vU; LorU= fudk;ksa ds fu{ksi 1/4d 1/2 vk/kkfjd fo|ky;ksa 1/4csfld Ldyksa 1/2 ds f'k{k.k ,oa f'k{k.ksRrj deZpkfj;ksa dh Hkfo"; fuf/k;ksa ds ysu nsu ^ ^ ds v/khu tek dh tk;sxhA 5- eq>s ;g Hkh dguk gS fd jktkKk la;k ,&5355@15&3133@1962 fnukad 17 fnlEcj]1965 }kjk izlkfjr ykHk=;h ;kstuk rFkk orZeku mRrj izns'k csfld f'k{kk Hkfo"; fuf/k fu;ekoyh] 1975 mDr lhek rd la'kksf/kr le>h tk;A 6- bl jktkKk ls layXu fodYi&i= ij izR;sd lgk;d@iz/kku ls fodYi izkIr dj fy;k tk;s vkSj rn~uqlkj mudks lsok iqfLrdkvksa ls bl fodYi&i= dks lqjf[kr j[kk tk;sA ;g fodYi&i= fnukad 30 twu]1978 rd izR;sd v/;kid ls izkIr dh fy;k tk;s vkSj 15 tqykbZ 1978 rd bl lEcU/k esa gqbZ izxfr ls 'kklu dks voxr dj;k tk;sA ,d ckj fd;k x;k fodYi vafre vkSj vifjoRrZuh; gksxkA 7- blh ds lkFk mDr

;kstuk ds vUrjxr O;; fd;s tkus gsrq jkT;iky egksn; o"kZ 1977&78 ds 17]00]000¹/₄lrjg yk[k :i;s¹/₂ dks /kujkf'k Hkh vkids fuorZu ij j[ks tkus gsrq la?k"kZ Lohd`fr iznku djrs gSaA vLFkbbZ :i ls FkhA ;g vFkok bldk dksbZ Hkkx vU; dk;Z ds fy;s iz;ksx esa ugha yk;k tk;sxA 8- bl fufeRr gksus okyk O;; foRRkh; O;; ¹/₄1977&78¹/₂ ds vk; O;kid ds ys[kk 'kh"kZd&f'k{kk vk;kstsRRkj ¹/₄d¹/₂ izkFkfed ¹/₄iv¹/₂ v'kkldh; izkFkfed fo|ky;ksa dks lgk;rk&¹/₄v¹/₂ mRrj izns'k csfld f'k{kk ifj"kn~ ds izkbejh ,oa twfu;j gkbZ Ldwyksa ds v;/kidksa dks isa'ku ls fodfyr gksxA 9- ;g vkns'k foRr ¹/₄O;;&fu;a=.k¹/₂ vuqHkkx x ds v'kkldh; la;k bZ&1@9@21 fnukad 4 ekpZ 1978 ds varxZr mudh lgefr ls tkjh fd;s tk jgs gSaA Hkonh;

go vt; 'kadj mi lfpoA

6. So far as the government employees are concerned, they were covered by U.P. Retirement Benefits Rules, 1961 and the General Provident Fund (U.P.) Rules, 1985. It was under the said rules that they were entitled to the pensionary benefits. In the year 2005, the State Government modified both the above rules. On 07.04.2005 U.P. Retirement Benefits (Amendment) Rules, 2005 were notified amending the U.P. Retirement Benefits Rules 1965. This notification reads as follows:-

"THE UTTAR PRADESH RETIREMENT BENEFITS (AMENDMENT) RULES, 2005

1. (1) These rules shall be called the Uttar Pradesh Retirement Benefits (Amendment) Rules, 2005.

(2) The shall and be deemed to have come into force with effect from April, 1, 2005.

2. In the Uttar Pradesh Retirement Benefits Rules, 1961 in rule 2, after existing sub-rule (2) the following new sub-rule shall be inserted namely-

"(3) These rules shall not apply to employees entering services and posts on or after April 1, 2005 in connection with the affairs of the state borne on pensionable establishment, whether temporary or permanent."

7. Similarly another notification, also dated 07.04.2005, known as the General Provident Fund (U.P.) (Amendment) Rules 2005 was published amending the General Provident Fund (U.P.) Rules, 1985. The said notifications reads as follows:-

"1. Short title and commencement .-(1) These rules may be called the General Provident Fund (Uttar Pradesh)(Amendment) Rules, 2005.

(2) They shall be deemed to have come into force with effect from April 1, 2005.

2. In the General Provident Fund (Uttar Pradesh) Rules, 1985 for existing Rule 4 set out in Column-1 below, the rules as set out in Column-2 shall be substituted,

namely:-

Column-1 Existing rule

4. Conditions of eligibility.-All permanent Government servants and all temporary Government servants, other than those appointed on contract and re-employed pensioners, whose service are likely to continue for more than a year shall subscribe to the fund from the date of joining the service:

Note1.- Apprentices and probationers shall be treated as temporary government servants for the purpose of this rule.

Note2.-Temporary government servants (including apprentices and probationers) who have been appointed against regular or temporary vacancies and are likely to continue for more than a year shall subscribe to the Fund from the date of joining the service.

Note 3.- Executive authorities should inform the Account Officer as soon as a government servant becomes liable to subscribe to the Fund.

Column-2 Rules as hereby substituted

4. Conditions of eligibility.-All permanent government servants and all temporary government servants, other than those appointed on contract and re-employed pensioners, whose service are likely to continue for more than a year shall subscribe to the fund from the date of joining the service:

Provided that no government servant entering service on or after April 1, 2005 shall subscribe to the fund.

Note 1.-Apprentices and probationers shall be treated as temporary government servants for the purpose of this rule.

Note 2.- Temporary government servants (including apprentices and probationers) who have been appointed against regular or temporary vacancies and are likely to continue for more than a year shall subscribe to the Fund from the date of joining the service.

Note 3.-Executive authorities should inform the Account Officer as soon as a government servant becomes liable to subscribe to the Fund.

8. Thus, a new defined contribution pension scheme was notified and made applicable on the employees joining services after 01.04.2005 and the old defined benefit pension scheme and the general provident fund benefits schemes, as were available to the government employees, were

denied for those who would be joining services after the cut-off date, i.e. 01.04.2005.

9. It is in view of the aforesaid amendments that the present dispute has come up with regard to the petitioners, i.e. as to whether they are appointed prior to 01.04.2005 and would be covered by the old scheme or they are appointed after 01.04.2005 and its the new policy that will apply upon them. This Court in this bunch of writ petition, while entertaining the writ petitions, directed "opposite parties to allow deduction of G.P.F. amount from the salary of the petitioners under old pension scheme." Thus, at present, under the interim orders of this court, petitioners are getting deduction and deposits made under the old pension scheme.

10. So far as appointment of the teachers and employees of the Board is concerned, the power under the Basic Education Act is vested in the Board and is regulated by their services rules notified under the said act from time to time. Section 13(1) of the Basic Education Act provides:

"13. Control by the State Government:- (1)The Board shall carry out such directions as may be issued to it from time to time by the State Government for the efficient administration of this Act."

11. The State Government, to give benefit of the dying in harness policy, exercising power under section 13(1) of the Basic Education Act issued the GO of 2000 (see clause 4 of the GO of 2000). The said GO is of relevance for the present controversy and is thus quoted below:

"e`rd vkfJrksa dks f'k{k d in ij fu;qfDr Li"Vhdj.k la;k&5193@15&5&2004&400¹/₄222¹/₂@99 lsok esa] Jh ,uo jfo'kadj lfpo] mRrj izns'k f'k{kk funks'kd¹/₄cs0¹/₂ ,oa v/;{k} mRrj izns'k 'kkluA csfld f'k{kk ifj"kn] bykgckn f'k{kk vuqHkkx&5 fo"k;%& mRrj izns'k csfld f'k{kkifj"kn ds vUrxZr lsokjr f'k{kdksa@f'k{k.ksRrj deZpkfj;ksa dh lsokdky esa e`R;q gks tksus dh lFkfr esa] muds vkfJrksa ds lsok;kstu ds lEcU/k esaA egksn;] mi;qZDr fo"k; ij eq>s ;g dgus dk funks'k gqv kS fd 'kklukns'k la;k&1-95@15&595&30@82] fnukad 2 Qjoh] 1996 ds vUrxZr mRrj csfld f'k{kk ifj"kn ds v/khu lsokjr f'k{kdksa@f'k{k.ksRrj deZpkfj;ksa dh lsokdky esa e`R;q gks tkus ij muds ,d vkfJr dks ifj"kn ds v/khu lsok;kstu ds lEcU/k esa O;oLFkk dh x;h Fkh eko mPp U;k;ky;] bykgckn esa ;ksftr fjV ;kfpdk la;k&41564@1997 latho dkekj nwes cuke ftyk fo|ky; fujh{k d] bVkok o vU; eas eko U;k;ky; }kjk ikfjr vkns'k fnukad 27-4-1998 ds vuq'khyu essa tkjh 'kklu ds vkns'k la;k&1634@10&11&98&1499¹/₄48¹/₂@77] fnuakd 8 tuo]h] 1999 }kjk e`rd vkfJr lsok;kstu ds lEcU/k esa fuxZr lHkh 'kklukns'k vfrdzfer gks tkus ds QyLo:i csfld f'k{kk ifj"kn ds v/khu lsokvksa esa e`rd vkfJr lsok;kstu dh O;oLFkk mDr frfFk ls ckf/kr jgh gSA 2- bl chp eko mPp U;k;ky; ds mi;qZDr fu.kZ; fnukad 27-4-1998 ds fo;} latho dkekj nqcs] }kjk nk;j vihy la;k 26@98] esa] eko mPp U;k;ky; dh nks lnL;h; U;k;kihB us vius vkns'k fnukad 1 Qjoh] 2000 }kjk eko mPp U;k;ky; ds iwoZorhZ fu.kZ; fnukad 27-4-1998 dks fujLr dj fn;k gSA eko mPp U;k;ky; dh nks lnL;h; ihB }kjk iz'uxr ekeyk lEcU/kr ihB dks ek- U;k;ky; dh lafo{kkvksa ds vkyksd esa iquZfopkj gsrq lanfHkZr fd;k x;k gSA 3- mDr ds vuqdze esa 'kklu }kjk eko U;k;ky; dh lafo{kkvksa dh Hkkouk o izkFkfed f'k{kk dh xq.koRrk dks cuk;s j[kus dh vko';drk dks vuqHko djrs gq, lE;d

fopkjsijUr mRrj izns'k csfld f'k{kk} ifj"knh; f'k{kdksa@f'k{k.ksRrj deZpkfj;ksa dh lsokdky esa e`R;q gks tkus ij muds ifjokj ds ,d vkfJr dks fuEufyf[kr 'krksZ ,oa izfreU/kksa ds v/khu lsok;kstu dk volj iznku fd;s tkus dk fu.kZ; fy;k x;k gS%& ¼41½ moizo lsokdky esa e`r ljdkjh lsodksa ds vkfJrksa dh HkhrhZ ¼4ikapok la'kks/ku½ fu;ekoyh] 1999 ds izkfo/kkuksa ds vuqlkj gh csfld f'k{kk} ifj"kn dh lsok ds f'k{k.k@f'k{k.ksRrj deZpkfj;ksa dh lsokdky esa e`R;q gks tkus ij e`rd deZpkjh dk ifr ;k iRuh ¼4tSlh Hkh fLFkfr gks½ dsUnzh; ljdkj ;k fdlh jkT; ljdkj ;k dsUnzh; ljdkj ;k fdlh jkT; ljdkj ds LokfeRok/khu ;k muds }kjk fu;af=r fdlh fuxe ds v/khu igys ls lsok;ksftr u gks rks mlds dqVqEc ds ,sls ,d lnL; dks tks dsUnzh; ljdkj ;k jkT; ljdkj ;k dsUnzh; ljdkj ;k jkT; ljdkj ds LokfeRok/khu ;k muds }kjk fu;af=r fdlh fuxe ds v/khu igys ls lsok;ksftr u gksA bl lECU/k esa e`rd vkfJr vkosnudsRkZ ls 'kiFk i= izkIr djus ds mijUr gh mlds lsok;kstu ij fopkj fd;k tk;sxkA ¼42½ mRrj izns'k csfld f'k{kk} ifj"kn ds f'k{kdksa@f'k{k.ksRrj deZpkfj;ksa ds ,sls e`rd vkfJr tks csjksxtkj gks vkSj fu;eksa ds vUrxZr fu/kkZfjr 'kSf{kD ,oa izf'k{k.k ;ksX;rk j[krs gks rFkk vU; izdkj ls ifj"kn ds lsok gsrq vgZa gks] dks ifj"knh; izkFkfed fo|ky;ksa ds lgk;d v/;kid@v/;kfIdk ds in ij vFkok ifj"kn ds v/khu f'k{k.ksRrj r`rh; Js.kh ds lcls uhps ds in ij vFkok prqFkZ Js.kh ds in ij fofgr ;ksX;rk@izf'k{k.k ;ksX;rk vk/kkj ij lsok;kstu gsrq vkosnu djus ij HkhrhZ ds lkekU; fu;eksa@izfdz;k dks f'kfFky djrs gq, ifj"knh; lsok esa mi;qDr lsok;kstu ij fopkj fd;k tk;sxkA ¼43½ le;□ij ;Fkk la'kksf/kr mRrj izns'k csfld f'k{kk} ¼4v/;kid½ lsok fu;ekoyh 1981 ds vuqlkj vgZ e`rd vkfJr dks lgk;d v/;kid@v/;kfIdk ds in ij vkosnu djus ds fnukad ls ;Fkk lEHko rhu ekg ds vUnj lsok;kstu dh lqfo/kk tuin Lrj ij fJDr in vFkok in fJDr u gksus dh fLFkfr esa vf/kla[; in ds fo;} iznku dh tk;sxhA ¼44½ ,sls e`rd vkfJr tks] lsok;kstu gsrq vkosnu i= izLqr djus dh frfFk dks lgk;d v/;kid ds in gsrq lsokfu;eksa esa fofgr 'kSf{kD vgZrk j[krs gksa] ijUrq izf'k{k.k vgZrk ugh j[krs@iwjh ugha djrs dks] vizf'kf{kr v/;kid ds :i esa lsok;kstu gsrq vkonsu djus ij ;lFkkLEHko rhu ekg ds vUnj lsok;kstu dh lqfo/kk iznku dh tk;sxhA ,sls e`rd vkfJr dks lsok;kstu ds ckn lECfU/kr tuin ds ftyk f'k{kk} ,oa izf'k{k.k laLFkku esa izkjEHk gksus okys csfld v/;kid izek.k i= ¼4choVholho½ izf'k{k.k ikB~;dze ds vkxkeh igys cSap esa izf'k{k.k gsrq izos'k fn;k tk;sxkA e`rd vkfJr ds #i esa izkFkfed fo|ky; esa lgk;d v/;kid@v/;kfIdk ds in ij fu;fer fu;qfDr iznku djus ds fy, mudks choVholho izf'k{k.k ikB~;dze lQYkrkiwoZd iw.kZ djuk vfuok;Z gksxkA izf'k{k.k vof/k esa mUgssa vizf'kf{kr v/;kid ds :i esa fu;r osru tSlk fd 'kklu }kjk le;□ij fu/kkZfjr fd;k x;k gks] ns; gksxkA csfld v/;kid izf'k{k.k ikB~;dze esa mRrh.kZ gksus ds ckn gh izkFkfed fo|ky; esa lgk;d v/;kid ds in ij fu;fer fu;qfDr iznku dh tk;sxhA fu;qfDr izkf/kdkjh ,oa ftyk f'k{kk} ,oa izf'k{k.k laLFkku dk ;g nkf;Ro gksxk fd og vizf'kf{kr v/;kid ds :i esa lsok;ksftr e`rd vkfJr vH;fFkZ;ksa ds lsokjr izf'k{k.k dh O;oLFkk muds lsok;kstu ds ckn izkjEHk gksus okys igys izf'k{k.k l= esa lqfuf'pr djsaxsA ,sls e`rd vkfJr dks tks mi;qZDr lsokjr izf'k{k.k dks fu/kkZfjr vof/k eas lQYkrkiwoZd iwoZ djus eas vlQy jgS] ds fy, ;g fodYi miyC/k jgsxk fd og prqFkZ Js.kh ds in ds lkis{k fu;qfDr gsrq vkosnu djsa vFkok izf'k{k.k mRrh.kZ djus rd vizf'kf{kr v/;kid ds :i esa fu;r osru ij cus jgsA fdUrq izfreU/k gS fd ,sls lsokjr choVholho izf'k{k.k.kkfFkZ;ksa dks lkekU; choVholho ikB~;dze ds izf'k{k.k.kkfFkhZ dh Hkkafr gh choVholho ikB~;dze dh vuqiwjd ijh{kk gsrq fofgr fu;eksa ds vuqlkj volj vuqeU; gksxsA fdUrq ;fn vH;FkhZ rc Hkh choVholho dh vafre ijh{kk mRrh.kZ djus esa foQYk jgS rks ,sls vH;FkhZ ds fy, prqFkZ Js.kh ds in ds lkis{; fu;fer fu;qfDRk

ds vfrfjDr vU; dksbZ fodYi 'ks" k ugha jgsxkA vr% ,sls vH;FkhZ tks ch-Vh-lh- ijh{kk esa vfUre :i ls foQy jgrs gS] dks lgk;d v/;kid ds in ds fy, vH;FkZu Lor% fujLr le>k tk;sxk vkSj ch-Vh-lh- ijh{kk eas] vafre :i ls vlQy gksus ds ekg ds vafre dk;Z fnol ls vizf'kf{kr v/;kid ds :Ik esa Hkh mudh fu;qfDr Lor% lekIr le>h tk;sxhA fdUrQ ,sls vH;FkhZ ;fn prqFkZ Js.kh ds fjdRk@vf/kla[; in ds lkis{; lsok;kstu dh izkFkZuk djrs gSa] rks ml ij fopkj fd;k tk ldsxkA $\frac{1}{45}\frac{1}{2}$,sls e`rd vkfJr tks] lEcU/kr deZpkjh dh e`R;q ds fnukad dks e`rd vkfJr ds :i esa lsok;kstu ds fy;s U;wure 'ksSf{kd vgZrk b.VjehfM,V vFkok mlls vf/kd j[krs gksa vkSj csfld f'k{kk ifj"kn ds v/khu v/khuLFk LRkjkA ij fyfid ds lEoxZ ds lcls uhps ds in ij lsok;kstu ds fy;s vU;Fkk vgZ gks] dks lEcU/kr tuin ds fyfid ds fjdR in ds lkis{; laoxZ esa lcls uhps ds in ij lsok;kstu iznku fd;k tk;sxkA tuin esa fjdR fyfid ds in ij e`rd vkfJr ds :i eas lsok;kstu ds fy, izkIr leLr vkosnu i=ksa dks izFke vkxr izFke iznRr ds vk/kkj ij iathd`r fd;k tk;sxk rFkk foHkkx ds fjdR gksus okys inksa ds lkis{; izFke vkxr izFke iznRr ds fu;e dk ikyu lqfuf'pr djrs gq, lsok;kstu iznku fd;k tk;sxkA fu;qfDr izkf/kdkjh rnuqlkj e`rd vkfJr vH;fFkZ;ksa dh lwph dks izR;sd ekg ds izkjEHk esa vius dk;kZy; ds lwpuk iVy ij iznf'kZr djsxs vkSj izR;sd ekg gksusokyh fjdR ds lkis{; lsok;ksftr e`rd vkfJr dk uke iznf'kZr djrs gq, mDr lwph dk rnuqlkj la'kksf/kr dj vxys ekg ds izkjEHk esa v|kof/kd la'kksf/kr lwph dk;kZy; esa lwpuk iVy ij iznf'kZr djrs jgsaxsA r`rh; Js.kh ds fjdR in ds lkis{k e`rd vkfJr lsok;kstu ds fy, izR;sd vH;FkhZ ds uke fu;qfDr izkf/kdkjh ds dk;kZy; esa iathd`r gksus dh frfFk ls ikap o"kZ dh vof/k iwjh gksus ds ekg ds vafre dk;Z fnol rd ;fn izFke vkxr izFke iznRr ds fl}kUr ds vuqlkj lsok;kstu gsrq Js.kh rhu dh fjdR miyC/k ugha gksrh rks lEcU/kr vH;FkhZ dk uke iathd`r vH;fFkZ;ksa dh lwph ls fudky fn;k tk;sxk fdUrQ bl vof/k ls iwoZ ;fn Js.kh pkj ds fjdRk in@vf/kla[; in ds lkis{; lsok;kstu gsrq viuk la'kksf/kr vkosnu i= fu;qfDr izkf/kdkjh ds dk;kZy; eas iathd`r dj ysa rks ml ij fopkj fd;k tk;sxkA e`rd vkfJr ifjokj dh dfBu ifjLFkfr;ksa dks n`f"Vxr j[krs gq, ;fn dksbZ vH;FkhZ] fyfid laoxZ ds in dh fjdR ds lkis{; lsok;kstu esa] lEHkkfor foyEc dks] n`f"Vxr j[krs gq, ;fn rRdky lsok;kstu dh vko';drk vuqHko djrk gks rks fu;qfDr izkf/kdkjh ds fy, ,sls vH;fFkZ;ksa ds lEcU/k eas prqFkZ Js.kh esa fjdR ;k vf/kla[; inksa ds lkis{; e`rd vkfJr ds iqujh{kr vkosnu i= izLrqr djus ij lsok;kstu djus dk vf/kdkj gksxkA ;gkW ;g LIk"V fd;k tkrk gS fd ,d ckj e`rd vkfJr ds :i eas iznRr lsok;kstu dh lqfo/kk ij iquZfopkj dk dksbZ volj ugha jgsxkA $\frac{1}{46}\frac{1}{2}$,sls e`rd vkfJr ftudh U;wure 'ksSf{kd ;ksX;rk twfu;j gkbZLdwy gS] dks csfld f'k{kk ifj"kn ds tuin Lrjh; dk;kZy; esa fjdR in vFkok ifj"kn; fo|ky;ksa esa prqFkZ Js.kh ds fjdR ;k vf/kla[; in ij lsok;kstu dh lqfo/kk iznku dh tk;sxhA tuin Lrjh; dk;kZy; ds lEcU/k esa vf/kla[; in ds fo:} e`rd vkfJr lsok;kstu vuqeU; ugha gksxkA $\frac{1}{47}\frac{1}{2}$ vf/kla[; in Hkfo"; esa fjdR gksusokys inksa ds lkis{; le;□ij lek;ksftr fd;s tk;sxsA fu;qfDr izkf/kdkjh tuin dks bdkbZ ekurs gq, fjdR@vf/kla[; inksa ds fo:} e`rd vkfJrksa dks lsok;ksftr djsxsA tuin ds dk;kZy;ksa esa fdLH Hkh vf/kla[; in ds fo:} fu;qfDr;kWa ugha dh tk;sxhA vf/kla[; in ds in/kkj }kjk dh x;h lsok dh x.k osru fu/kkZj.k vkSj lsokuSo`frd ykHkksa ds fy, dh tk;sxhA $\frac{1}{48}\frac{1}{2}$ e`rd vkfJr }kjk lEcU/kr deZpkjh ds e`R;q ds fnukad ls ikpa o"kZ ds Hkhrj lsok;ktu ds fy, vkosnu izLrqr fd;k tk ldrk gSA ijUrQ tkgWa jkT; ljdkj dks ;g lek/kku gks tk;s fd lsok;kstu ds fy, vkosnu djus ds fy, fu;r le; lhek ls fdLH fof'k"V ekeys esa] vuqfpr dfBukbZ gksrh gS ogkW og vis{kkvksa dks] ftugsa og ekeysa esa U;k;laxr vkSj lKE;iw.kZ jhfr ls dk;zokgh djus ds fy, vko';d le>s] vfHkeqDr ;k f'kfFky dj ldrh gSA

fu;eksa ls bl vk'k; dh vfHkeqfDr@f'kfFkyhdj.k ds lEcU/k esa izLrko lEcU/kr fu;qfDr izkf/kdkjh }kjk f'k{kk funs'kd $\frac{1}{4}$ cs0 $\frac{1}{2}$ ds ek;/e ls 'kklu dks izsf'kr fd;s tk;saxsA $\frac{1}{4}$ 9 $\frac{1}{2}$ mRrj izns'k lsokdky esa e`r ljdkjh lsodksa ds vkfJrksa dh HkrhZ ls lEcU/kr le; le; ij la'kksf/kr fu;ekoyh dh O;oLFkkvksa ds v/khu mRrj izns'k csfld f'k{kk ifj"kn ds deZpkfj;ksa ds e`rd vkfJr dk rkRi;Z e`rd f'k{k.k@f'k{k.ksRrj deZpkjh ds iq= vfookfgr vFkok fo/kok iq=h iRuh vFkok ifr ls gksxkA $\frac{1}{4}$ 10 $\frac{1}{2}$ e`rd vkfJr ds :i esa lsok;kstu ds fy, U;wure vk;q lhek tSlk fd lEcU/kr lsok laoxZ ds lsok fu;eksa esa fufgr gS] gksxhA 4- Jh jkT;iky mRrj izns'k csfld f'k{kk vf/kfu;e 1972 $\frac{1}{4}$ mRrj izns'k vf/kfu;e la[;k&34 lu~ 1972 $\frac{1}{2}$ dh /kkjk 13 dh mi/kkjk $\frac{1}{4}$ 1 $\frac{1}{2}$ ds vUrxZr ;g vkns'k nsrs gS fd mi;qZDr fu.kZ; ds vuqlkj dk;Zokgh lqfuf'pr dh tk;sA 5- ;g vkns'k fnukad 8-1-1999 ls izHkkoh e k u k t k ; s x k A 6 - ; g v k n s ' k f o R r f o H k k x d s v ' k k l d h ; la[;k&vkbZo,Qo,o&2&1490@nl@2000 fnukad 29-8-2000 esa izkIr mudh lgfgr ls fuxZr fd;s tk jgs gSA Hkonh;

,uo jfo'kadj lfpoA"

12. I have heard learned counsels for petitioners, learned Standing Counsel for the State and learned counsels for the District Basic Education Officers and the Board at length. The submission of learned counsels for the petitioners on one hand is that the petitioners were appointed under the Dying in Harness Rules and their appointment was, thus, substantive in nature from day one, therefore, they are to be treated as appointed on the date they were sent on training. On the other hand, the stand of the learned standing counsel for the State of U.P. and learned counsels for B.S.A and Board is that petitioners were only sent on training initially and its only after 01.04.2005, when they completed their training, they were appointed as regular employee on regular pay scale and, therefore, it the 2005 Rules which would be applicable on the petitioners. It is also argued by the respondents counsels that even otherwise, it is the U.P. Basic Education Provident Fund Rules, 1975 which will apply on the petitioners.

13. The entire dispute runs around the interpretation of GO of 2000. Since the GO of 2000 is issued by the state government, exercising its power under section 13 of the Basic Education Act, the Board is bound by it. It is the said GO of 2000 by which petitioners were appointed. Clause 3(1) of the said GO provides that appointments under the Dying in Harness Rules shall be made as per the provisions of U.P. Dying in Harness Rules (5th Amendment) Rules, 1999 (The originally are U.P. Dying in Harness Rules 1974). The GO of 2000 itself provides the modification in the appointment process, as for appointment of assistant teachers in basic schools, along with education qualifications, B.T.C. training is also must. Thus, these appointments are made as per the Dying in Harness Rules 1974, as they stood amended/modified in the year 1999, subject to further amendment/modification provided by the GO of 2000. Clause-3(3) of the said GO of 2000 provides that the qualified applicants shall be entitled as per the post vacant at the district level and in case the posts are not available, supernumerary posts are to be created, as far as possible, within a period of three months from the date application is made for appointment under the said GO of 2000. Clause-3(4) provides that such dependents of the deceased employee, who on the date of application are having educational qualification on the post of assistant teachers but are not having training qualification, shall be given the benefit of appointment as untrained teachers, so far as possible,

within a period of three months of their application. Such dependents of the deceased, after their appointment as untrained teacher, shall be given admission in the next batch, in the training institute of the concerned district, for B.T.C training. For getting a appointment in a primary school as Assistant Teacher, as a beneficiary of Dying in Harness Rules, they have to complete the B.T.C. training. During the said B.T.C. course, they would be paid fixed salary, as fixed by the Government from time to time. After passing their training course, they shall be given regular appointment as assistant teachers in a primary school on regular pay scale. The appointing authority and the district training institute were made responsible to ensure that the untrained teachers, on their being appointed under "Dying in Harness Rules', are given training in the very next batch starting after their appointment. Any person failing to clear the said training examination would be given appointment as a Class-IV employee and his appointment as untrained teachers shall be automatically treated to have ended. The said Government Order was made effective from 08.01.1999.

14. Thus, a bare perusal of the said Government Order shows that the petitioners were given an appointment as untrained teachers. They were to be given a further appointment as assistant teachers in basic school after completing their training. Thus, their first appointment was as untrained teachers under the Dying in Harness Rules, 1974 as amended with regard to them. The law with regard to the nature of appointments under the said Dying in Harness Rules is well settled by this court by number of its judgments, to be of permanent nature. Reference is made in case of Yogendra Ram Chaurasiya Vs. State of U.P. and Others; 2002 (5) AWC 3708. Relevant paragraphs of the said judgment are quoted below:-

"4. The learned Counsel for the Appellant submits that the appointment of the Appellant was made on compassionate grounds under the provisions of Dying in Harness Rules, which appointment cannot be treated as temporary appointment and rather it was permanent appointment and, therefore, the services could not have been terminated under the provisions U.P. Temporary Government Servants (Termination of Service) Rules, 1975. He relied upon the decision in the case of Ravi Karan Singh v. State of U.P. and Ors. 1991 (1) ALR 754.....

7. The Division Bench of this Court in the case of Ravi Karan Singh has held that:

"an appointment under the Dying in Harness Rules has to be treated as a permanent appointment otherwise if such appointment is treated to be a temporary appointment, then it will follow that soon after the appointment, the service can be terminated and this will nullify the very purpose of the Dying-in-Harness Rules because such appointment is intended to provide immediate relief to the family on the sudden death of the bread earner. We, therefore, hold that the appointment under Dying-in-Harness Rules is a permanent appointment and not a temporary appointment, and hence the provisions of U.P. Temporary Government Servant (Termination of Services) Rules, 1975, will not apply to such appointments."

9. In view of the decision of this Court in the case of Ravi Karan Singh with which we respectfully agree, any appointment made under the provisions of Dying-in-Harness Rules is to be treated as a permanent appointment and not a temporary appointment. This is also clear from the Government order dated 23.1.1976 filed as Annexure-2 to the writ petition wherein it has been mentioned that the dependent of deceased employee appointed on compassionate ground under the provisions of Dying-in-Harness Rules should not be retrenched even where the strength of the employee is being reduced. Thus, we hold that the appointment of the Appellant-writ Petitioner is to be treated as permanent appointment and not a temporary appointment....."

15. Submission of respondents, that, the petitioners were never appointed prior to the year 2005 and were appointed only after completing their training, after the year 2005, is nothing but a misreading of GO of 2000. The petitioners, as per the aforesaid GO of 2000, were appointed on permanent basis as untrained teachers and were given appointment as trained assistant teachers in basic school after completion of their training. Thus, merely because they were appointed on fixed salary would not make them any less a government employee than the other government employee. The continuity of the employment is reflected in the Government Order itself. Even on failing in the training course, the fact that they would be given appointment as a Class-IV employee, shows the intent of the government to give them a permanent job, one way or other. The respondents could not show anything from any rules, including pension/provident fund rules, which would require petitioners, for any reason, to be treated differently than other permanent employees. The old provisions of the pension and provident fund scheme were applicable to all other employees appointed prior to 01.04.2005. Here petitioners are also appointed on permanent basis, prior to 01.04.2005, as untrained teachers, who cleared their training and thereafter, given appointment as assistant teachers in basic schools. Thus, so far as the petitioners are concerned, there is no dispute that their appointment as trained assistant teachers in basic school are in continuation of their earlier appointment as untrained teachers.

16. Thus, there is no reason to treat them as being appointed for the first time, on completion of their training, after the year 2005. Since the petitioners were appointed prior to the year 2005, they are not impacted by the notifications dated 07.04.2005. They are persons who were appointed permanently before 01.04.2005 and are entitled to be treated at par with all other similarly appointed permanent assistant teachers in basic school, for the purpose of their pension and provident fund benefits. Since, the Government Order dated 15.11.2011 is contrary to the aforementioned rules/directions of the State Government issued under Section 13 of the Basic Education Act, hence, the same is not sustainable.

17. Hence, all these writ petitions are allowed and Government Order dated 15.11.2011 is quashed. Petitioners shall be given all the provident fund, pension and other benefits, as are available to other permanent employees of the Board, appointed prior to 01.04.2005.

Order Date :-28.02.2018

Arti/-

(Vivek Cha

