



2026:AHC-LKO:12970-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL DEFECTIVE No. - 210 of 2024

State of U.P. through Addl. Chief Secy./Prin. Secy.
Public Works Deptt. U.P. Govt. Lko. and others

.....Appellant(s)

Versus

Manoj Kumar Singh

.....Respondent(s)

Counsel for Appellant(s)	: Tushar Verma (A.C.S.C.)
Counsel for Respondent(s)	: Ashutosh Shahi, Rakesh Kumar Singh

Chief Justice's Court

**HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE JASPREET SINGH, J.**

1. The appeal is barred by 596 days. An application seeking condonation of delay has been filed.
2. For the reasons indicated in the application, supported by affidavit, the same is allowed. The delay in filing the appeal is condoned.
3. This appeal is directed against order dated 19.07.2022 passed by learned Single Judge, whereby several writ petitions filed by a large number of petitioners, came to be allowed and directions were issued to give benefit of judgment rendered in **Ashok Kanojia Vs. State of U.P. and others** : Writ Petition No. 236 (SB) of 2013, decided on 28.01.2014.
4. Learned counsel for the respondent points out that the issue involved in the present special appeal, has been repeatedly agitated before this Court and special appeals have been repeatedly dismissed, against which special leave petitions have also been dismissed. Reference has been made to an order in **State of U.P. and others Vs. Satya Prakash Gupta** : Special Appeal Defective No. 843 of 2023, decided on 30.11.2023 and Special Leave Petition (Civil) Diary No. 1769 of 2024 : **The State of U.P. and others Vs. Mahesh Chaubey and others**, decided on 13.01.2026.
5. Counsel for the appellants attempted to make submissions that the matter requires reconsideration on merits despite dismissal of several special appeals and special leave petitions arising out of the orders passed

in the special appeals.

6. We have considered the submissions made in this regard and noticed that the Division Bench in the case of **Satya Prakash Gupta** (supra), has taken note of the entire controversy starting with the judgment in the case of **Ashok Kanojia** (supra), wherein the special leave petition was dismissed, followed by **State of U.P. Vs. Birendra Kumar Maurya and another** : SLP (Civil) No. 17297 of 2014, wherein the special leave petition was dismissed, however, it was kept open for the State to seek review of the judgment in the special appeal. Whereafter, the review petition was dismissed with a cost of Rs.10,000/- and the same was followed by various Division Bench judgments. The Division Bench came to the following conclusion:

“(22) If the matter is viewed telescopically, it emerges that the action of the State has been agitated by the aggrieved employees initially by two persons, namely, Ashok Kanojiya and Birendra Kumar Maurya in their respective writ petitions and when their writ petitions were allowed, the State chose to file two Special Leave Petitions separately. Though both the Special Leave Petitions have been dismissed, but in the Special Leave Petition filed in the matter of Birendra Kumar Maurya, it has been provided that *the dismissal of this special leave petition shall not stand in the way of the petitioner raising all or any other contentions available to it in law in the pending proceedings.*

(23) Since the batch of writ petitions has been allowed by the learned Single Judge, wherein there is a reference in respect of Special Leave Petitions filed by the State, taking the aid of the aforesaid order as also the order passed in Special Appeal Defective No. 71 of 2023, where a Co-ordinate Bench of this Court granted liberty to file review petition, the State Government filed a Review Petition which too was dismissed on merits with costs of Rs.10,000/-.

(24) In the instant intra-Court appeal, the appellants have raised a plea that as per Government Order dated 13.12.2011, the Assistant Engineers/Executive Engineers are not entitled for upgradation of Rs.8,700/- Grade Pay. In this regard, it may be apt to mention here that a Co-ordinate Bench of this Court has already allowed the writ petition No. 578 (SB) of 2012, Birendra Kumar Maurya and another v. State of U.P. and others and quashed the aforesaid Government Order dated 13.12.2011.

(25) Neither the learned Additional Chief Standing Counsel nor the learned Counsel for the respondent/petitioner has brought on record to show that the aforesaid order has been challenged by any aggrieved party. Once the discrimination meted out to the respondent was disapproved by this Court as well as by the Apex Court, no scope has been left for us to take a different view.

(26) Considering all these aspects of the matter, we are of the firm opinion that the State is merely seeking to re-open a decided matter through the instant Appeal, although neither any illegality nor infirmity has been pointed by the

learned Additional Chief Standing Counsel either in the order passed in the bunch of writ petitions or on the review petition.

(27) It is made clear that since it is a decided matter, only relevant facts and law have been considered.

(28) For all the reasons stated above, the intra-Court appeal filed against the impugned orders passed by the learned Single Judge lacks merit and is hereby dismissed.

(29) There shall be no orders as to costs.”

7. In the case of **Mahesh Chaubey** (supra), as can be seen, the Supreme Court has simply dismissed the special leave petition.

8. Besides the judgment in the case of **Satya Prakash Gupta** (supra), similar view was taken in **Ajay Kumar Anand Vs. Uttar Pradesh Public Services Tribunal, Lucknow and others**: Writ-A No. 2001669 of 2014, decided on 12.11.2023 and **State of U.P. and another Vs. Vimal Prasad Gupta and another**: Writ-A No. 26203 of 2017, decided on 03.01.2024.

9. In view of the above fact-situation, wherein repeated attempts made by the State to seek variation/setting aside of directions given in the case of **Ashok Kanojia** (supra) have failed based on different pleas and arguments raised from time to time and in the cases where the special appeals have been dismissed/special leave petitions have been dismissed, the said orders have become final, the State is bound to follow the directions as given in the said writ petitions.

10. Once the majority of cases already stand decided taking a particular view and all the attempts made so far have failed, another attempt made by the State in the present special appeal seeking to persuade the Court to take a different view, essentially is an attempt to create two classes whereby similarly placed persons would be entitled to the benefit of judgment in the case of **Ashok Kanojia** (supra) and in case the State succeeds, those who would be governed by the later judgment, would be deprived of the same.

11. The Division Bench in the case of **Satya Prakash Gupta** (supra) has taken into consideration the entire attempt and has come to the conclusion as noticed herein before and in those circumstances, we do not find any

reason to take a view different from what has been taken in the case of **Satya Prakash Gupta** (supra).

12. In that view of the matter, following the judgment in the case of **Satya Prakash Gupta** (supra), the present special appeal is also **dismissed**.

(Jaspreet Singh, J) (Arun Bhansali, CJ)

February 18, 2026
RK/AHA