



2026:AHC-LKO:22935

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 6301 of 2023

Dinesh Kumar Tripathi

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Housing And Urban
Plannig Lko. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Virendra Kumar Dubey
Counsel for Respondent(s)	: C.S.C., Sampurna Nand Shukla, Umesh Chandra Pandey

Court No. - 17

HON'BLE RAJEEV SINGH, J.

1. Heard Shri Virendra Kumar Dubey, learned counsel for the petitioner, Shri Rama Raman Mishra, Advocate holding brief of Shri Umesh Chandra Pandey, learned counsel appearing for the respondents no.2 to 5 and learned Additional Chief Standing Counsel for the State-respondent(s).

2. This petition has been filed with the following prayer:-

"(i) To issue writ order of direction in the nature of certiorari quashing the order dated 17.07.2023 and 26.07.2023 passed by the opposite party no. 6 contained as Annexure No. 1 and 2 to the writ petition with all consequential benefits.

(ii) To issue writ order or direction in the nature of certiorari quashing the impugned order dated 07.08.2023 passed by the opposite party no. 3 contained as Annexure No. 3 to the writ petition with all consequential benefits.

(iii) To issue writ order or direction in the nature of mandamus directing and commanding the opposite parties not to make any recovery from the petitioner in the light of aforesaid impugned orders dated 17.07.2023, 26.07.2023 and 07.08.2023 contained as Annexure No. 1, 2 and 3 respectively to the writ petition.

(iv) To issue writ order or direction in the nature of mandamus directing and commanding the opposite parties to grant regular pension to the petitioner by issuing Final Pension Payment Order on the basis of last pay drawn as per pay fixation order dated 19.04.2018 contained as Annexure No.14 to the writ petition, in favour of the petitioner within some reasonable time."

3. Learned counsel for the petitioner submits that the petitioner was

appointed on the post of Draftsman in Substantive Capacity in U.P. Awas Evam Vikas Parishad and after completing requisite length of service, the petitioner and others were given 2nd promotional pay scale of Rs. 6,300 - Rs. 9,000. Apparently, there was some disparity in the said pay scale, when compared with other department, i.e., Nirman Nigam of the respondent-State and as such being agitated by the employee's union, the opposite party no.3/Housing Commissioner, pending approval of the State Government granted 2nd promotional pay scale of Rs. 8,000 - Rs. 13,500, vide order dated 31.12.2004. However, suddenly by virtue of an order dated 07.08.2023, the said enhanced pay scale was sought to be withdrawn. It is this order, dated 07.08.2023, which is the subject matter of challenge in this writ petition.

3.1. It is the submission of learned counsel for the petitioner that the said impugned order has been passed without opportunity of hearing and is illegal and arbitrary. Moreover, it has been contended that the said order could not have been passed after expiry of 18 years and that too when most of the petitioners have already retired.

4. During the course of hearing, counsel for the petitioner has handed over a letter dated 25.09.2023, passed by the Deputy Commissioner (Administration) Awas, U.P. Awas Evam Vikas Parishad and others by virtue of which, it has been clarified that the impugned order dated 07.08.2023, shall have no retrospective effect meaning thereby, that the grievance which has been sought to be agitated by the petitioner in the present writ petition, does not survive, as the same stands redressed.

5. In any case, learned Counsel for the petitioner has also relied on an order dated 03.10.2023 passed by a co-ordinate Bench of this Court sitting at Allahabad, in Writ-A No. 15482 of 2023, (Santosh Kumar Yadav vs. U.P. Awas Evam Vikas Parishad and others), which in similar facts and circumstances, has quashed the impugned order and allowed the writ petition filed by similarly situated petitioners belonging to draftsman cadre.

6. Learned counsel for the respondents does not controvert any of the aforesaid submissions of the learned Counsel for the petitioner and do not have any objection, if the present writ petition is also disposed of in similar terms, as has been directed by a co-ordinate Bench of this Court sitting at Allahabad.

7. Accordingly, the present writ petition succeeds and is **allowed**. The impugned order dated 07.08.2023 is hereby **set-aside/quashed**. The petitioner shall be paid his emoluments, including post-retiral benefits in accordance with law.

8. There shall be no order as to cost(s).

March 31, 2026

Arpan

(Rajeev Singh,J.)