



2026:AHC-LKO:22577

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 9263 of 2023

Binod Chaudhari P.N.O. 210695687 And 21 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt., Civil
Sectt. Lko. And 7 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vinod Kumar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 18

HON'BLE KARUNESH SINGH PAWAR, J.

Heard learned counsel for the petitioners and Shri Narendra Kumar Pandey, learned Additional Chief Standing Counsel for the respondents.

The petitioners, by means of the present petition, have prayed for quashing of the Government Order dated 23.12.2020. A further prayer has been made to direct the respondents to carry out the fixation of the petitioners' salary in terms of the Government Order dated 26.08.1997 and Government Order dated 18.05.1983. The petitioners have also prayed for issuance of a writ of mandamus commanding the respondents to pay the arrears arising out of the difference in salary fixation.

Learned counsel for the petitioners submits that the controversy involved in the present writ petition is no longer res integra, inasmuch as similarly situated employees had earlier approached this Court by filing Writ A No. 10689 of 2024, Sita Ram Sharma and 13 others vs. State of U.P. and 3 others along with other connected writ petitions, which were decided by a common judgment and order dated 09.04.2025. It is contended that the case of the present petitioners is squarely covered by the aforesaid judgment.

Shri Narendra Kumar Pandey, learned Additional Chief Standing Counsel, does not dispute the fact that the case of the petitioners is identical and is squarely covered by the judgment rendered in Writ A No. 10689 of 2024. He also does not dispute that the said judgment has attained finality, as the same was challenged by filing Special Appeal No. 1233 of 2025, The State of U.P.

and 3 others vs. Vinay and 3 others, which came to be dismissed vide order dated 15.12.2025.

Perused the record.

A perusal of the judgment dated 09.04.2025 (supra) shows that the Coordinate Bench, while allowing the writ petition, has recorded the following findings in paragraph 14 of the said judgment:-

"14. In such above view of the matter while I do not find anything discriminatory in government order in its application so far as denial of pay protection is concerned to ex-army men, but government order would apply only to those cases where candidates were selected after its issuance. All those who have been sent for training to be ultimately given appointment will form one homogeneous group to be privileged with all such benefits including pay protection and their claim will not yet be hit by the government order."

It is not in dispute that similarly situated persons have already been extended the benefit by virtue of the judgment and order dated 09.04.2025, wherein the Court, in paragraph 14, has held that there is no justification for any adverse or discriminatory action in denying pay protection. It has further been observed in the order dated 15.12.2025 that the benefit of protection of the corresponding pay structure extended by the State to the first batch cannot be withheld from candidates of the second, third, and fourth batches, who are part of the same recruitment process and placed in the same select list.

Undisputedly, the petitioners participated in the same recruitment process and were placed in the same select list. Accordingly, the petitioners shall be entitled to pay protection and all consequential benefits at par with similarly situated candidates, as directed in the judgment and order passed in Writ Petition No. 10689 of 2024.

In view of the above and considering that the issue is squarely covered by the judgment and order dated 09.04.2025 passed in Writ A No. 10689 of 2024, the present writ petition deserves to be allowed.

Accordingly, the writ petition is **allowed** and the impugned order dated 23.12.2020 (Annexure-1 to the petition) is hereby quashed.

The respondents are directed to grant pay protection to the petitioners and to fix their salary at par with similarly situated candidates in terms of the Government Orders dated 26.08.1997 and 18.05.1983, as has been directed in the judgment dated 09.04.2025 passed in Writ A No. 10689 of 2024, along with all consequential benefits.

The aforesaid exercise shall be completed within a period of three months from the date of production of a certified copy of this order.

(Karunesh Singh Pawar,J.)

March 31, 2026
R.C.