

Dr. J.P. Kulsreshtha and ors. Vs. State of U.P. and ors.

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Court : Allahabad

Decided On : May-10-2002

Reported in : 2002(3)AWC2167; [2002(94)FLR406]

Judge : M. Katju and ;Rakesh Tiwari, JJ.

Acts : [Constitution of India](#) - Article 14

Appeal No. : C.M.W.P. No. 34935 of 2001

Appellant : Dr. J.P. Kulsreshtha and ors.

Respondent : State of U.P. and ors.

Advocate for Def. : S.C.

Advocate for Pet/Ap. : Aditya Kumar Singh, ;Ashok Khare and ;Pankaj Mithal, Advs.

Disposition : Petition allowed

Judgement :

M. Katju and Rakesh Tiwari, JJ.

1. Heard learned counsel for the parties.

2. The petitioners are retired Professors of Allahabad University and are receiving pension as retired teachers. Originally, the grievance of the petitioners in this petition was that the pension be paid to them was less than 50% of the basic salary applicable to the post of Professor of State Universities as revised w.e.f. 1.1.1996. In paragraph 7 of the petition, it is stated that monthly pension of each of the petitioners is far less than Rs. 8,200.

3. By the order dated 26.2.1999, Annexure-5 to the writ petition the State Government revised the pensionary benefit of teachers of State Universities w.e.f. 1.1.1996 and by the order dated 13.4.2000 vide Annexure-6 to the writ petition, the State Government notified that the pension payable to the pensioners would not be less than 50% of the minimum of pay scale from 1.1.1996. This decision was, however, not made applicable to retired teachers of State Universities, despite decision of the State Government that the pensionary benefit of retired teachers would be at the same rate and subject to same conditions as applicable to the State Government servants in equivalent pay scale vide Annexure-7 to the writ petition. By G.O. dated 31.7.1993. The benefit of G.O. dated 24.12.1983, was extended to teachers who retired prior to 1.1.1984 vide Annexure-8 to the writ petition.

4. The petitioner made several representations regarding the anomalies and prayed that the benefit should be given to retired teachers of the State Government also, vide Annexures-9 to 12. However, no heed was paid to the same.

5. In this case on 2.1.2001, we passed the following interim order :

'In the meantime, we direct the authority concerned that the petitioners should not the pension of less than Rs. 8,200 per month as contemplated by the G.O. Sa-3-384/Dus-300/99, dated 13.4.2000 (Annexure-6 to the writ petition) or to show cause within three weeks.'

6. A short counter-affidavit has been filed annexing copy of the G.O. dated 24.11.2001. This G.O. does not give any reason for granting benefit only from 1.7.2001 to the University teachers when the benefit has been granted from

1.1.1996 to all Government employees. The G.O. dated 24.11.2001 has been issued with regard to University teachers. Sri Ashok Khare learned counsel for the petitioner submitted that the benefit of this G.O. has been given from 1.7.2001 to the University teachers whereas to other employees, it is applicable from 1.1.1996. We are of the opinion that this is a clear case of discrimination and violation of Article 14 of the Constitution. Hence, we direct that the petitioners and other University teachers will also get the benefit w.e.f. 1.1.1996, with arrears at 12% interest within three months of production of a certified copy of [his order before the authority concerned.

7. The petition is allowed.

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