

प्रेषक

मोहम्मद गुलामुल मदार, एच.जे.एस.
अध्यक्ष, वन स्टॉप सेंटर / वार रूम,
माननीय उच्च न्यायालय, इलाहाबाद

पत्रांक : S740 /2026

दिनांक : 24.07.2026

सेवा में,

समस्त जनपद न्यायाधीश, उत्तर प्रदेश/समस्त पीठासीन अधिकारी, मोटर दुर्घटना दावा अधिकरण (MACT)/समस्त पीठासीन अधिकारी, भूमि अर्जन, पुनर्वास एवं पुनर्स्थापन प्राधिकरण (LAARA)/समस्त प्रधान न्यायाधीश, परिवार न्यायालय/समस्त पीठासीन अधिकारी, वाणिज्यिक न्यायालय।

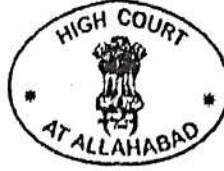
विषय : दिनांक 21 से 23 अगस्त, 2026 तक आयोजित "समाधान समारोह (Special Lok Adalat)" के अंतर्गत संपादित होने वाले समझौतों के न्यायिक प्रभाव (Judicial Precedent) एवं विधि संबंधी प्रश्नों के संबंध में।

महोदय / महोदया,

सादर अवगत कराना है कि माननीय उच्चतम न्यायालय द्वारा दिनांक 21, 22 एवं 23 अगस्त, 2026 को "समाधान समारोह (Special Lok Adalat)" का आयोजन किया जा रहा है, जिसका उद्देश्य विभिन्न श्रेणी के लंबितवादों का पक्षकारों की पारस्परिक सहमति के आधार पर सौहार्दपूर्ण एवं त्वरित निस्तारण सुनिश्चित करना है।

इस संबंध में श्रीमान् सेक्रेटरी जनरल, माननीय उच्चतम न्यायालय द्वारा निर्गत पत्र दिनांक 09.07.2026 के माध्यम से यह स्पष्ट किया गया है कि समाधान समारोह के अंतर्गत संपादित होने वाले समझौते पूर्णतः पक्षकारों की पारस्परिक सहमति पर आधारित होंगे तथा ऐसे समझौते भविष्य के वादों के लिए न्यायिक पूर्वनिर्णय (Judicial Precedent) नहीं माने जाएंगे। साथ ही, यदि किसी प्रकरण में कोई विधिक प्रश्न अन्तर्विलित है, तो वह भविष्य में अन्य वादों में स्वतंत्र रूप से विचारणार्थ एवं निर्णयार्थ खुला रहेगा तथा ऐसे समझौते का किसी अन्य प्रकरण में अन्तर्विलित विधिक प्रश्न पर कोई प्रतिकूल प्रभाव नहीं पड़ेगा।

7



उक्त विधिक सिद्धान्त का समर्थन माननीय उच्चतम न्यायालय तथा माननीय उच्च न्यायालय द्वारा पारित निम्नलिखित निर्णयों में भी किया गया है—

1. State of Uttar Pradesh through Principal Secretary, Revenue Department vs. Kanhaiya Lal & Others, SLP (C) No. 5908 of 2015, निर्णय दिनांक 10.04.2015।
2. State of U.P. vs. Kanhaiya Lal & Others; Special Appeal No. 83 of 2001 (Review Application No. 37499 of 2020), आदेश दिनांक 05.05.2023।
3. State of U.P. vs. Badam Singh, Special Appeal Defective No. 233 of 2022, निर्णय दिनांक 21.04.2023।
4. State of U.P. vs. Ashok Kumar Singh, Special Appeal Defective No. 87 of 2023, निर्णय दिनांक 30.05.2023।

उपर्युक्त समस्त निर्णयों में यह विधिक सिद्धान्त प्रतिपादित किया गया है कि समझौते के आधार पर पारित आदेश भविष्य के वादों के लिए न्यायिक पूर्वनिर्णय (Judicial Precedent) नहीं माने जाएंगे तथा यदि किसी प्रकरण में कोई विधिक प्रश्न अन्तर्विलित है, तो वह भविष्य में अन्य वादों में स्वतंत्र रूप से विचारणार्थ एवं निर्णयार्थ खुला रहेगा तथा उसका निर्णय उसके गुण-दोष एवं विधि के अनुसार किया जाएगा।

अतः अनुरोध है कि "समाधान समारोह" हेतु पक्षकारों को समझौते के लिए प्रेरित करते समय उपर्युक्त विधिक स्थिति को दृष्टिगत रखा जाए, जिससे केवल इस आशंका के कारण कि समझौते का प्रभाव अन्य वादों में अन्तर्विलित विधिक प्रश्नों पर पड़ेगा, किसी वाद को समझौते हेतु चिन्हित किए जाने में अनावश्यक संकोच अथवा हिचकिचाहट न हो।

यह भी अनुरोध है कि इस पत्र के साथ संलग्नक के रूप में प्रेषित श्रीमान् सेक्रेटरी जनरल, माननीय सर्वोच्च न्यायालय के पत्र तथा माननीय उच्चतम न्यायालय एवं माननीय उच्च न्यायालय द्वारा पारित चारों निर्णयों का व्यापक प्रचार-प्रसार सुनिश्चित करते हुए इसे अपने-अपने न्यायाधिकार क्षेत्र के समस्त संबंधित हितधारकों, यथा न्यायिक अधिकारियों, अधिवक्तागण, शासकीय अधिवक्तागण, विभागीय अधिकारियों, प्राधिकरणों तथा अन्य संबंधित पक्षकारों के मध्य परिचालित (Circulate) कराने का कष्ट करें, जिससे समाधान समारोह के संबंध में उपर्युक्त विधिक स्थिति से सभी संबंधित पक्ष भली-भाँति अवगत हो सकें तथा

7

Bharat Parashar
Secretary General
Supreme Court of India



Tel.: 011-23384661
Fax: 011-23386178
E-mail: sg.office@sci.nic.in

New Delhi,
9th July, 2026

Subject: Soliciting cooperation and proactive participation in the Special Lok Adalat under "SAMADHAN SAMAROH"

Sir/Madam,

The Supreme Court of India is organising SAMADHAN SAMAROH (Supreme Court Action for Mediated Adjudication and Disputes Harmonization Across Nation), an Initiative presently underway, which shall culminate in a Special Lok Adalat on 21st, 22nd and 23rd August, 2026.

Earlier also in a meeting held on 27th April, 2026, it was emphasized upon the Ld. Advocate Generals, Chief Secretaries and Law Secretaries of the States/Union Territories that the active co-operation of all stakeholders is extremely crucial for the success of "SAMADHAN SAMAROH". As the State Government is a major litigant before the Supreme Court, the constructive participation of its Departments, authorities and instrumentalities would be instrumental in advancing the objectives of this initiative by facilitating the amicable resolution of suitable cases and reducing avoidable litigation.

During the course of the settlement proceedings under the SAMADHAN SAMAROH, certain issues have arisen regarding the precedential value of settlements. In this regard, I am under directions to reiterate and clarify that settlements arrived at before the Lok Adalat are founded on the mutual consent of the parties and do not constitute judicial precedents. Further, where any question of law arises in a case, the same may be kept open irrespective of the mutual settlement arrived at between the parties in a given case. Accordingly, an amicable settlement would not prejudice any question of law or any legal issue pending consideration in any other matter.

.. 1 ..

Copy to

01- Family Court - 25/7/26

02- MACT Court -

03- Secy DLSA - 28/7/26

Bharat Parashar
Secretary General
Supreme Court of India



Tel.: 011-23384661
Fax: 011-23386178
E-mail: sg.office@scl.nic.in

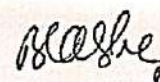
HIGH COURT OF JUDICATURE AT ALLAHABAD

I would, therefore, request you to kindly sensitise and encourage all concerned Departments, authorities and Public Sector Undertakings under the State Government/UT to extend full support, including timely coordination and prompt response to settlement proposals, besides facilitating constructive engagement with a resolution-oriented approach during the conciliation sittings so that the cases amenable to settlement may be disposed of in a fair, efficient, and expeditious manner. Appropriate instructions may also be issued to ensure that **duly authorised officers** are nominated, wherever necessary, to take informed decisions in appropriate cases so that the opportunity for amicable settlement is effectively utilised. Particular emphasis may be placed on identifying suitable cases relating to land acquisition, revenue, municipal laws and service matters, as such cases often present significant scope for amicable resolution.

Your cooperation and support will greatly contribute to the success of this important initiative and further the shared objective of reducing litigation through consensual dispute resolution.

With regards,

Yours sincerely,


(Bharat Parashar) 09/07/2026

To,

Chief Secretaries of all States/UTs.

Copy for Information:

1. Registrar Generals of all High Courts,
2. Member Secretary, National Legal Services Authority (NALSA).

State Of Uttar Pradesh Through ... vs Kanhaiya Lal And (10) Others on 10 April, 2015

Bench: Vikramajit Sen, Abhay Manohar Sapre

ITEM NO.9	COURT NO.12	SECTION XI
S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS		
Petition for Special Leave to Appeal (C).....CC No. 5908/2015 (Arising out of impugned final judgment and order dated 29/08/2014 in SA No. 83/2001 passed by the High Court of Judicature at Allahabad, Lucknow Bench)		
STATE OF UTTAR PRADESH THROUGH PRINCIPAL SECY. DEPTT. OF REVENUE U.P. & ANR.		Petitioner(s)
VERSUS		
KANHAIYA LAL AND (10) OTHERS		Respondent(s)
(with appln. (s) for c/delay in filing SLP)		
Date : 10/04/2015 This petition was called on for hearing today.		
CORAM :		
HON'BLE MR. JUSTICE VIKRAMAJIT SEN HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE		
For Petitioner(s)	Mr. Arvind Varma, Sr. Adv. Mr. Ardhendumauli Kumar Prasad, Adv. Ms. Shalini Kumar, Adv.	
For Respondent(s)	Dr. (Mrs.) Vipin Gupta, Adv. Mr. P.N. Misra, Sr. Adv. Mr. Som Raj Choudhary, Adv. Mr. Shibashish Misra, Adv. Mr. Nidesh Gupta, Sr. Adv. Mr. Nikhil Majithia, Adv. Mr. Suraj Prakash Singh, Adv. Mr. Sudhansu Palo, Adv.	
UPON hearing the counsel the Court made the following O R D E R		

HIGH COURT OF JUDICATURE AT ALLAHABAD

Delay condoned.

The special leave petition is dismissed. However, the question of law will be left over. open.

(Rajni Mukhi)
Sr. P.A.

(Saroj Saini)
Court Master

HIGH COURT OF JUDICATURE AT ALLAHABAD

Court No. - 2

Case :- SPECIAL APPEAL No. - 83 of 2001

Appellant :- State Of U.P. Through Principal Secy Deptt Of Revenue U.P.

Respondent :- Kanhaiya Lal And 10 Others.

Counsel for Appellant :- C.S.C.

Counsel for Respondent :-

S.A.Zilani, A.P.Singh, J.P.Singh, Pramendra Kumar Singh, Pushpila Bisht, R.G.Misra, Ram Kumar, Sangeeta Chandra, Sushil Kumar

Hon'ble Rajan Roy, J.

Hon'ble Manish Kumar, J.

(Review Application No. 37499 of 2020)

This review application has been filed on 12.06.2020 seeking review of the judgment dated 29.08.2014 passed in Special Appeal No. 83 of 2001.

There is a delay of almost eight years. Moreover against the aforesaid judgment dated 29.08.2014, an SLP was filed by the appellant bearing No. 5908 of 2015 which was dismissed on 10.04.2015 in the following terms:-

"Delay condoned.

The special leave petition is dismissed.

However, the question of law will be left over."

The question of law involved therein has already been leftover meaning thereby it can be raised and considered in other matters whether they be a writ Court or in appeal and the judgment dated 29.08.2014 by itself in view of the observations made therein would not be binding on such question of law, as submitted by Ms. Pushpila Bisht, counsel for private respondent no. 11.

Considering the inordinate delay of 8 years and after taking into consideration the explanation offered which we do not find to be satisfactory, we see no reason to entertain this review application at this belated stage.

Application for condonation of delay (C.M. Application No. 37498 of 2020) is rejected. Consequently, review application also stands rejected.

Order Date :- 5.5.2023
Nitesh

HIGH COURT OF JUDICATURE AT ALLAHABAD

Court No. - 2

Case :- SPECIAL APPEAL DEFECTIVE No. - 233 of 2022

Appellant :- State Of U.P. Thru. Addl. Chief Secy. Revenue Deptt.
Lko And 2 Others

Respondent :- Badam Singh

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Amarendra Pratap Singh

Hon'ble Rajan Roy, J.

Hon'ble Manish Kumar, J.

Heard Mr. Amitabh Rai, learned Additional Chief Standing Counsel for the appellants and Mr A.P. Singh, learned Senior Advocate along with Mr. Amarendra Pratap Singh, learned counsel for respondent.

This belated special appeal has been filed against the judgment dated 12.08.2021 passed in Service Single No. 13302 of 2021 (Badam Singh vs. State of U.P. and others). Cause shown in the affidavit filed in support of the application for condonation of delay is sufficient. Application (CMA No. 1 of 2022) is allowed. Delay condoned.

We reject the contention of counsel for the respondent for hearing this appeal along with review application filed for reviewing the judgment dated 29.08.2014 passed in Special Appeal No. 83 of 2001 (State of U.P. vs. Kanhaiya Lal and others) as in the SLP filed against the said judgment while dismissing it, it was specifically mentioned that the question of law will be left over, meaning thereby the question of law has been left open, therefore, it is irrelevant as to whether the review application is allowed or is dismissed so far as this appeal is concerned, especially as, it is the contention of the appellants that once question of law was left open and the appellants wanted to argue the matter before the writ Court on the question of law, then, the writ Court was obliged to consider the same, however, without doing so the writ Court has allowed the writ petition of the respondent-Badam Singh granting parity of the judgment dated 29.08.2014 passed in Special Appeal No. 83 of 2001. Submission is that the said judgment attained finality between the parties, subject, of course, to the review proceedings, but, it will not have any bearing so far as question of law involved in Writ Petition No. 13302 (SS) of 2021 as it had been left open by the Supreme Court.

HIGH COURT OF JUDICATURE AT ALLAHABAD

We have heard the special appeal on merits as against the judgment dated 12.08.2021. The judgment of the writ Court reads as under:

"1. Heard Sri A.P. Singh, learned Senior Advocate, assisted by Sri Amarendra Pratap Singh, learned counsel for petitioner and learned Standing Counsel for State-respondents.

2. Grievance of the petitioner is that he was initially appointed on the post of Collection Amin. On completion of satisfactory service, he was given first promotional pay-scale of Naib Tehsildar and thereafter he was provided second promotional pay-scale of Tehsildar but arrears of the same is not provided to them.

3. Submission of learned counsel for petitioner is that on completion of 24 years of satisfactory service in the department, petitioner was entitled for certain benefits like arrears of second promotional pay-scale and A.C.P. including increment etc. He further submits that a special appeal No.83 of 2001 (State Vs. Kanhaiya Lal and others) was pending consideration before this Court. Further submission of learned Senior Advocate is that at subsequent point of time, the special appeal No.83 of 2001 was dismissed vide judgment and order dated 29.08.2014 against which Special Leave to Appeal (C) No.5908/2015 was filed before the Hon'ble Supreme Court which has also been dismissed vide judgment and order dated 10.04.2015. In the light of said, the submission of learned Senior Advocate is that now the ground of impugned order dated 19.2.2021 on which basis, the impugned order has been passed, is not available to the respondents, therefore, the petitioners are entitled for the grant of claim of arrears of second promotional pay-scale, A.C.P. and other benefits admissible to the post. Further submission of learned counsel for petitioners is that although the petitioners have been provided second promotional pay-scale of Tehsildar but arrears of the same has not been released in their favour.

4. Learned counsel appearing for respondents does not dispute that the special appeal No. 83 of 2001 has been dismissed and against the said judgment Special Leave to Appeal (C) No.5908/2015 was filed which has also been dismissed vide judgment and order dated 10.04.2015. Thereafter, a review petition has been filed before this Court which is lying pending consideration.

HIGH COURT OF JUDICATURE AT ALLAHABAD

5. I have considered the submissions advanced by learned counsel for the parties and perused the material on record as well as the order dated 27.6.2019 passed by the respondents wherein direction was issued to ensure the payment subject to decision of the review petition pending before this Court.

6. In view of the above, the reasons assigned in the impugned order dated 19.2.2021 is not sustainable in law, therefore, the impugned order is liable to be set aside.

7. Accordingly, the impugned order dated 19.2.2021 is hereby set aside. The respondents are directed to ensure payment of arrears of the second promotional pay-scale of Tehsildar and A.C.P. as well as other consequential benefits for which the petitioners are entitled. The said exercise shall be completed within a period of two months from the date of production of a certified copy of this order.

8. With the aforesaid direction and observation, the writ petition succeeds and is allowed."

The petition was decided without counter affidavit having been filed by the opposite parties-appellants herein. While allowing the writ petition, the writ Court has merely considered the judgment passed in Special Appeal No. 83 of 2001 referred hereinabove, but, has ignored the fact that while dismissing the SLP against the said judgment in limine, the question of law was left open.

In view of the above, as there is no consideration of the matter on merits and the questions of law involved, we set aside the judgment dated 12.08.2021 passed in Writ Petition No. 13302 (SS) of 2021. Consequently, Writ Petition No. 13302 (SS) of 2021 shall stand restored and the writ Court shall consider the same afresh. If any question of law is raised by the appellants-State before it, the writ Court shall be obliged to consider the same also and shall not dispose of the proceedings merely by giving parity of earlier judgments. This is on account of the order passed in SLP (C) No. 5908 of 2015; State of U.P. and others vs. Kanhaiya Lal and others.

Appellants shall file counter affidavit in the writ petition within two weeks. Rejoinder affidavit, if any, may be filed within one week thereafter. Writ Petition shall be listed before the writ Court on 23.05.2023 amongst top ten cases of the day.

As financial benefits have been extended to the respondent in view of the contempt proceedings initiated by him, therefore, we provide that the same shall be abide by fresh orders to be passed by the writ Court but, shall not be recovered during pendency of the writ petition.

The special appeal is *allowed*.

[Manish Kumar, J.] [Rajan Roy, J.]

Order Date :- 21.4.2023
Santosh/-

HIGH COURT OF JUDICATURE AT ALLAHABAD

Reserved On:- 23.05.2023
Delivered On:- 30.05.2023

Court No. - 2

Case :- SPECIAL APPEAL DEFECTIVE No. - 87 of 2023

**Appellant :- State Of U.P. Thru. Addl. Chief Secy. Revenue Deptt. Govt.
U.P. Civil Sect. Lko. And Others**

Respondent :- Ashok Kumar Singh

Counsel for Appellant :- C.S.C.

**Counsel for Respondent :- Pramendra Kumar Singh, Anand Mani
Tripathi**

Hon'ble Rajan Roy.J.

Hon'ble Manish Kumar.J.

Order on Application for Condonation of Delay

This is an application for condonation of delay in filing the special appeal supported with an affidavit.

No objection has either been filed or raised during hearing by the respondent herein to the application.

The cause shown in the accompanying affidavit is sufficient.

In view of the above, the application is allowed and the delay in filing the special appeal is hereby condoned.

Order on Memo of Appeal

This is an appeal by the State and its officials filed under Chapter VIII Rule 8 of the Allahabad High Court Rules, 1952 challenging a judgment of the writ Court dated 07.09.2022 passed in Writ A No. 5274 of 2022 filed by the respondent herein. The appeal was filed on 17.02.2023.

The facts relevant to the case are that the respondent-petitioner was initially appointed as Collection Ameen. He retired from services under the State on 30.06.2012. After his retirement, he filed a Writ Petition bearing no. 7295 (S/S) of 2013 along with other similarly situated persons claiming second promotional pay scale of Rs.8000-13,500/- which in fact was the pay scale of the post of Tehsildar. The said petition was disposed of on 14.03.2019 with a direction to the Collector, Barabanki to consider and decide the claim of the petitioner expeditiously. The Court while doing so did not record any finding as to the entitlement of the respondent-petitioner to the said pay scale. As the said judgment was not complied, a contempt petition bearing number 2215 (C) of 2014, Ram Kumar Pandey & Ors. Vs. Shri Yogeshwar Ram Mishra & Ors. was filed wherein

certain orders were passed. On account of the said orders in the contempt proceedings, the District Magistrate, Barabanki passed an order on 23.04.2015 granting approval for payment of the aforesaid promotional pay scale, as claimed, subject however to Special Leave Petition being filed against the judgment dated 29.08.2014 passed in Special Appeal No. 63 of 2021 challenging the judgment dated 14.03.2014. Obviously, the Special Appeal against the judgment dated 14.03.2014 had also been dismissed.

As per the respondent-petitioner's Counsel, in pursuance to this order, pay of the respondent was fixed but according to the appellant's Counsel, the same was never given effect in the sense that the payment was not actually made. In the meantime on 24.07.2018, the State Government took a decision and communicated it to the Commissioner and Secretary, Board of Revenue, U.P., Lucknow wherein it found that w.e.f. 16.08.2003, the service rules pertaining to the post of Naib Tehsildar were notified and from the said date, promotional avenues from the post of Collection Ameen's to the post of Naib Tehsildar was done away with. The Government accordingly took a decision that those Collection Ameen's who had completed 24 years of service as on 16.08.2023 i.e. prior to promulgation of the aforesaid rules 2003 were entitled for the second promotional pay scale of Rs.8000-13,500/- which in fact was the pay scale of Tehsildar but those who had not completed the said service by the said date were not so entitled. This was for the reason as stated by the appellant's Counsel, once promotional avenue to the post of Naib Tehsildar was not available with effect from 16.08.2023 then, a fortiori next promotion to the post of Tehsildar was also not available, hence promotional pay scale of Tehsildar was not admissible as second promotional pay scale.

Accordingly, the District Magistrates were directed to consider the eligibility of persons to the aforesaid claim and take a decision. It appears that thereafter on 18.08.2018, another order was passed by the District Magistrate, Barabanki with reference to the Government Order dated 24.07.2018 wherein he found that out of the list of 46 persons who are claiming second promotional pay scale of Rs.8000-13,500/- of which up to Serial No. 33 were those who were petitioners in above mentioned Contempt Petition No. 2215 of 2014 including the respondent-petitioner herein, only the persons from Serial No. 1 to 25 and 34 to 46 were eligible. Therefore, the respondent-petitioner who was placed at Serial No. 33, was not found to be eligible. Thus, apart from the respondent-petitioner, 7 other persons who were petitioners in the aforesaid contempt petition were not found eligible. This order was not put to challenge by

the respondent-petitioner till he filed Writ A 5274 of 2022 i.e. after almost 4 years.

Be that as it may, all these contempt petitions including Contempt Petition No. 2215 of 2014 filed by the petitioner were decided on 13.03.2019. While disposing of the contempt proceedings it was observed by the contempt Court that pursuant to issuance of contempt notice, compliance affidavits have been filed by Ms. Renuka Kumar, Additional Chief Secretary, Revenue Department, Government of U.P., Lucknow and Mr. Sanjeev Mittal, Additional Chief Secretary, Department of Finance, Government of U.P. Along with the said affidavit of Ms. Renuka Kumar, copy of decision taken after examining eligibility for grant of pay scale of Rs.8000-13,500/- has been annexed as Annexure - 1 and as many as 73 Collection Ameen's have been found suitable and eligible for grant of said pay scale and they have been paid the same after completing 25 years of regular service. The contempt Court found that substantial compliance of the judgment has been made, therefore, all the contempt proceedings were disposed of, as having been rendered infructuous. In the last paragraph of the said judgment, the contention of the petitioner's Counsel was noticed that some of the petitioners who have been excluded from zone of eligibility are qualified for being given the pay scale aforesaid and then it observed that such petitioners are given liberty to approach the District Magistrate concerned who shall examine their claims and if they found eligible / suitable, they should also be given the pay scale of Rs.8000-13,500/-, as directed by this Court.

This judgment was accepted by the respondent-petitioner herein and in pursuance to it, he submitted a representation to the District Magistrate, Barabanki on 23.04.2019.

As already stated, in pursuance to the decision by the contempt Court on 13.03.2019 in the contempt petition filed by the respondent-petitioner, he submitted a representation to the District Magistrate, Barabanki on 23.04.2019, therefore, in pursuance to the aforesaid, the District Magistrate, Barabanki took the decision on his representation vide order dated 25.02.2020 and rejected the same on merits and disposed of the representation dated 23.04.2019. It is this order dated 25.02.2020 which was put to challenge by the respondent-petitioner in the Writ A No. 5274 of 2022 out of which this Special Appeal arises. While doing so, he for the first time challenged the order dated 18.08.2018 also, albeit, belatedly.

The learned Single Judge has allowed the writ petition of the respondent-petitioner only on the ground that once vide order

dated 23.04.2015, the claim of the petitioner had been accepted by the District Magistrate, Barabanki then there was no occasion for him to review his order and pass another order on 25.02.2020. It has opined that such administrative orders cannot be reviewed unless there is a provision conferred by Rules, Regulations or Enactments. Learned Single Judge has referred to a decision of Hon'ble the Supreme Court in the case of *Dr. Smt. Kuntesh Gupta Vs. Management of Hindu Kanya Mahavidyalaya, Sitapur (U.P.) and others*. Learned Single Judge has further mentioned that the order dated 23.04.2019 was passed in favour of the respondent-petitioner during pendency of contempt proceedings but as soon as contempt proceedings culminated, they reversed their stand and withdrew the said order dated 23.04.2015 which in fact had been passed in compliance of the order of the writ Court. The writ Court accordingly opined that the action was vindictive, malafide and amounted to misguiding the Court which had been informed in the contempt proceedings that the judgment had been complied. Cancellation of the said order soon thereafter was malafide. It accordingly set aside the order dated 25.02.2020.

We find that in Paragraph 7 to 10 of the impugned judgment, the writ Court has not considered validity of the earlier order dated 18.08.2018, nevertheless, it is presumed that the same has also been disapproved. We are of the opinion that the writ Court has failed to appreciate the facts in correct perspective. No doubt, the District Magistrate, Barabanki had passed an order on 23.04.2015 approving the payment of second promotional pay scale to the respondent-petitioner but this was on account of certain orders having passed in the contempt proceedings arising out of judgment dated 14.03.2014 passed in the earlier writ petition filed by the petitioner bearing no. 7295 (S/S) of 2013. The order passed in the said writ Court did not adjudicate the entitlement of the respondent-petitioner, as already stated. The writ Court has failed to appreciate the fact that the order dated 23.04.2015 was never given effect, although it is true that it was brought on record of the contempt proceedings with an affidavit stating that the judgment had been complied with but the contempt proceedings remained pending and were not disposed of in terms of the aforesaid. The writ Court also failed to appreciate that on 24.07.2018, considering the legal and financial impact of the claims raised by several similarly situated persons, the State Government took a decision on 24.07.2018 in pursuance to a order passed in a similar contempt petition bearing no. 1924 (C) of 2015 which in fact was one of the contempt petitions connected with the contempt petition of the respondent bearing No. 2215 of 2014 and came to be decided subsequently along with it. The State Government it

appears scrutinized the entire matter and found that those who had not completed 24 years of regular satisfactory service by 16.08.2023 which is the date on which the service Rules pertaining to the post of Naib Tehsildar were notified were not entitled to the said pay scale of Rs.8000-13,500/- as their second promotional pay scale for the reasons already referred earlier.

The Writ Court has also failed to appreciate that the contempt petition of the respondent-petitioner along with the contempt petition no. 1924 of 2015 was disposed of on 13.03.2019 with a specific recital therein that claim of some of the petitioners had not been found tenable and these petitioners including the respondent herein were given liberty to approach the District Magistrate. In compliance thereof, the respondent-petitioner approached the District Magistrate vide representation dated 23.04.2019 and this representation has been considered and decided by the District Magistrate, Barabanki keeping in mind the Government Order dated 24.07.2018. Thus, it is not a simple case where to evade the contempt proceedings, the District Magistrate, Barabanki first passed an order in favour of the respondent-petitioner on 23.04.2015 and thereafter withdrew it vide order dated 25.02.2020. In fact, this is factually incorrect. What has happened is that after passing of the order dated 23.04.2015, when, in other contempt proceedings orders were passed including contempt petition no. 1924 of 2015, then, the State Government realizing the magnitude of the matter, itself took a decision, as already mentioned, and communicated it vide G.O. dated 24.07.2018. After this decision when the contempt petition of the respondent-petitioner and other contempt petitions of similarly situated persons were decided on 13.03.2019 and the respondent submitted a representation to the District Magistrate in compliance thereof on 23.04.2019, the same was reconsidered in the light of G.O. dated 24.07.2018 and the same has been rejected.

The learned Single Judge has not at all considered the merits of the issue involved i.e. whether the respondent-petitioner was entitled to the second promotional pay scale of Rs.8000-13,500/-, as his second promotional pay scale in the light of relevant policy on the subject, keeping in mind the promotional avenues available under the Service Rules. According to appellant's Counsel if there is no promotional avenue from a particular post then instead of the promotional pay scale, it is next pay scale which would be payable. We find that without entering into this aspect of the matter, learned Single Judge has allowed the writ petition and has proceeded on an incorrect factual premise, as already noticed hereinabove. Moreover, we

also find that in other writ petitions where the entitlement to second promotional pay scale was adjudicated, the matter was taken to Hon'ble the Supreme Court and in one such S.L.P. bearing no. 5908 of 2015 arising out of Special Appeal No. 83 of 2021, passed by this Court at Lucknow, though the SLP was dismissed in limine the question of law was left over which means that such judgments passed by this Court would not have precedential value and would not be binding on Co-ordinate Benches, so far as, question of law involved is concerned. For this reason also, it was incumbent upon the learned writ Court to enter into the merits of the claim of the respondent-petitioner and the defence of the State before it, especially on the question of law involved as to whether consequent to the amendment in the Service Rules on 16.08.2003, the Collection Ameen's could claim the pay scale of Rs.8000-13,500/-, as their second promotional pay scale, as, by the said amendment their promotional avenue to the post of Naib Tehsildar which is the feeder cadre for the post of Tehsildar had been taken away. Consequently, as claimed by the State, their promotional avenue to the next higher post of Tehsildar was also not available but none of these relevant aspects have been considered by the writ Court. We also find that the respondent-petitioner has not challenged the G.O. dated 24.07.2018 in the writ petition. Learned Counsel for the respondent-petitioner no doubt submitted that entire exercise by the appellant's stayed was malafide and has attempted supported the judgment of the writ Court but for the reasons already discussed by us, hereinabove, we do not find any merit in such contention. We have not adjudicated the merits of the controversy, as the learned Single Judge has not touched upon the merits of the matter.

For the reasons aforesaid, we are of the opinion that the Writ Court's judgment cannot be sustained and it is accordingly **quashed**. The writ petition of the respondent-petitioner shall now stand restored to its original number and shall be considered on merits in the light of what has been stated hereinabove. All pleas are open for consideration by the writ Court on merits.

The writ petition shall be listed before the writ Court on **07.07.2023 amongst top 10 cases of the day**.

The appeal is **allowed** in the aforesaid terms.

The contempt proceedings which may have been initiated on the basis of the Impugned judgment which we have quashed shall no longer be taken any further and shall stand consigned.

Order Date :- 30.5.2023/Lokesh Kumar