

Court No. - 17

Case :- WRIT - A No. - 8966 of 2022

Petitioner :- Yogendra Kumar Sagar And Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Basic Edu. Lko. And Others

Counsel for Petitioner :- Jitendra Vikram,Ravindra Kumar Yadava

Counsel for Respondent :- C.S.C.,Ajay Kumar,Ran Vijay Singh

Hon'ble Pankaj Bhatia,J.

Heard learned counsel for the petitioners and learned Standing Counsel for the State.

The issue raised in the present petition is with regard to the directions for mandatory joining of National Pension System by the State government.

Learned counsel for the petitioner argues that initially by means of a notification dated 28.3.2005, the National Pension System was made mandatory for the employees who had joined after 1.4.2005 and was made voluntary in respect of the employee who were employed earlier to 1.4.2005.

It is argued by the petitioner that the petitioners have not opted for National Pension System. He further argues that the State Government has issued a Government Order dated 16.12.2022 whereby by virtue of Clause 3(V) it has been provided that the employees who do not opt for the National Pension System and do not get their registration done under PRAN would not be entitled to salary. The said government order is under challenge mainly on the ground that the National Pension System in the form in which it has been envisaged cannot be made mandatory for the employees and in any case their salary cannot be stopped merely because the petitioners are unwilling to opt for the National Pension System.

The matter requires consideration.

Learned Standing Counsel accepts notice on behalf of respondent no.1/State, Shri Ran Vijay Singh, learned counsel for respondent nos.2 & 3 and Shri Ajay Kumar, learned counsel for respondent nos.4 & 5. They may file their counter affidavit(s) within six weeks.

Rejoinder affidavit(s) shall be filed within two weeks thereafter.

Connect and list alongwith Writ - A No.9336 of 2019.

Until further orders, salary to the petitioners shall not be

stopped only on the ground that they have not opted for registration under PRAN in terms of Clause 3(V) of the Government Order dated 16.12.2022.

Order Date :- 3.1.2023

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