

Court No. - 35

Case :- WRIT - A No. - 16991 of 2023

Petitioner :- Ramesh Chand Sharma

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Virendra Pratap Pal

Counsel for Respondent :- C.S.C, Anadi Krishna Narayana

Hon'ble Vikas Budhwar, J.

The present case has been nominated to this Bench by the orders of Hon'ble The Chief Justice.

Heard Sri Virendra Pratap Pal, learned counsel for the petitioner, Ms. Deep Mala Srivastava, learned Standing Counsel, who appears for Respondent No. 1 as well as Sri Namit Srivastava (A.O.R. no.0036/2012) holding brief of Sri Anadi Krishna Narayana, who appears for Respondent Nos. 2 to 4.

The case of the writ petitioner is that he was appointed as a Conductor in the respondent-Corporation and he joined the post in question on 01.10.1983 and after rendering 28 years of satisfactory service, he superannuated on 31.01.2012. The writ petitioner claims payment of ACP, which according to the writ petitioner is applicable in the case of the respondent-Corporation by virtue of the Government Orders dated 03.03.2009, 04.05.2010, 30.05.2011, 22.12.2011 entitling extension of the benefits of the ACP at 10th, 16th and 26th years. The writ petitioner claims that though he has been representing his claim before the respondents, but the same has not been extended to him.

Prayer in the present petition is for a direction to the third respondent, Regional Manager, U.P. State Road Transport Corporation, Aligarh to extend the said benefit.

Ms. Srivastava, learned Standing Counsel as well as Sri Namit Srivastava holding brief of Sri Anadi Krishna Narayana on the other hand submit that the issue as to whether the writ petitioner is entitled to the said benefit is to be considered at the first instance by the third respondent. He further submits that he does not propose to file any response to the writ petition.

To such a submission, learned counsel for the writ petitioner has no objection to the same and he gracefully accepts the same.

Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioner to approach the third respondent, by filing a comprehensive representation accompanied with self-attested copy of the writ petition, who shall, on the receipt of the same, proceed to decide the entitlement of the writ petitioner within a period of three months from the date of production of certified copy of the order bearing in mind the nature of the appointment of the writ petitioner, the applicability of the Government Orders providing for ACP as well as the satisfactory services of the writ petitioner.

Needless to point out that the writ petitioner has been decided without seeking any response from the respondents, thus passing of this order may not be construed to an expression that this Court has adjudicated the matter on merits.

With the aforesaid observations the writ petition stands **disposed off**.

Order Date :- 26.10.2023
N.S.Rathour