

Court No. - 35

Case :- WRIT - A No. - 17166 of 2023

Petitioner :- Mahesh Chandra Ram

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Kalyan Sundram Srivastava, Nag
Sundaram Srivastava

Counsel for Respondent :- C.S.C., Tanisha Jahangir Monir

Hon'ble Vikas Budhwar, J.

This case has been nominated before this Court by the order of the Hon'ble The Chief Justice.

The matter has been taken in the revised list though Sri Kalyan Sundram Srivastava, learned counsel for the petitioner is present and learned Standing Counsel is present for respondent no.1 but nobody has appeared on behalf of the respondents no. 2 and 3.

The case of the writ petitioner is that he was appointed on the post of Conductor in U.P.S.R.T.C. in the year 1987 on contract/daily wage basis and his services stood regularised on 2.10.1988 and he was promoted on the post of Junior Clerk in the year 2009 and he retired on 31.5.2019. It is the case of the writ petitioner that despite the fact that his services stood regularised on 2.10.1988 but he was only paid 1st ACP and not the second and the third which as per the writ petitioner was liable to be paid in view of the Government Order so applicable therein. The writ petitioner's claim for grant of second and third ACP is stated to have been rejected on 11.1.2023 by an order of the third respondent, Regional Manager, U.P.S.R.T.C., Region Varanasi.

Prayer in the present petition is for quashing of the order dated 11.1.2023 passed by the third respondent and a direction to the Appellate Authority to decide the appeal of the writ petitioner which the writ petitioner is stated to have been preferred on 20.3.2023 under Regulation 69 of the U.P.S.R.T.C. Employees (Other than officers) Service Regulations 1981 which has been annexed as annexure-6 at page 20 of the paper book reference whereof has been given in para 13.

Learned Standing Counsel submits that be as the case may be as per the writ petitioner he has already availed the remedy which

according to him is available to him before the Appellate Authority in terms of Regulation 69 of the 1981 Regulations thus the Appellate Authority be directed to decide the same.

Considering the submissions of the rival parties as well as stand taken by the writ petitioner particularly in view of the fact that he at present is pressing the relief for disposal of the appeal thus in the fitness of the matter the writ petition stands disposed off with a direction to the Appellate Authority empowered under the State Road Transport Corporation Employees Service Regulations, 1981 to decide the pending appeal if any preferred by the writ petitioner on 20.3.2023 pending and if maintainable under the Regulations within a further period of three months from the date of presentation of the certified copy of the order.

Needless to point out that the writ petition 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 gone into the merits of the case.

With the aforesaid observation, the writ petition is disposed off.

Order Date :- 6.11.2023

piyush