

Court No. - 34

Case :- WRIT - A No. - 17695 of 2023

Petitioner :- Ramesh Kumar Tiwari

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

Counsel for Petitioner :- Atipriya Gautam, Anura Singh, Devesh Mishra, Sr. Advocate

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar, J.

1. Heard learned counsel for the petitioner as well as learned Standing Counsel.
2. Petitioner, who is presently posted as Head Constable in Civil Police at district- Barabanki is claiming third promotional pay scale benefit/ grade pay and consequential fixation of his pay in terms of the recommendation of 7th Pay Commission for having completed 26 years of service.
3. It is argued on behalf of the petitioner that as per the rules an employee who completes 26 years of service becomes entitled to the benefits under Assured Career Progression Scheme for the third time known as IIIrd A.C.P.
4. In support of the above argument learned counsel for the petitioner has relied upon Government Order dated 21.07.2011, whereunder, services rendered by the petitioner during training period is also liable to be taken into account towards qualifying service for ACP benefit to which an employee would be entitled as per the guidelines and Government Order. The Government order has issued on 21.07.2011 is reproduced hereunder:

"उत्तर प्रदेश

गृह पुलिस अनुभाग-2

संख्या-रिट-1634/6-पु-2-11-1600 (5)/2011

लखनऊ दिनांक-21 जुलाई, 2011

कार्यालय ग्याप

प्रदेश के पुलिस बल के आरक्षियों के प्रशिक्षण की अवधि को उनकी सेवा में जोड़ने एवं तदनुसार उन्हें स्तरोन्नयन (ए०सी०पी०) अनुमन्य किये जाने हेतु कर्मचारियों द्वारा अनेक रिट याचिकायें माननीय उच्च

न्यायालय में योजित की गयी है। कुछ रिट याचिकाओं में माननीय उच्च न्यायालय द्वारा निर्णय पारित किये गये हैं तथा कुछ अवमानना याचिकायें भी दाखिल की गयी हैं। उक्त स्थिति को दृष्टिगत रखते हुए सम्यक विचोपरान्त महामहिम श्री राज्यपाल दिनांक 8.6.1998 से पूर्व एवं दिनांक 17.09.2002 से 02.12.2009 की अवधि में प्रशिक्षण पाये आरक्षियों की प्रशिक्षण अवधि को उनके सेवाकाल में जोड़ने एवं तदनुसार उन्हें स्तरोन्नयन, (ए०सी०पी०) अनुमन्य किये जाने हेतु इस प्रतिबन्ध के अधीन सहर्ष स्वीकृति प्रदान करने है कि उक्त सुविधाओं के अतिरिक्त अन्य किसी प्रकार की सुविधा जो उन्हें अब तक अनुमन्य नहीं है, प्रदान नहीं की जायेगी।

2. यह आदेश वित्त (व्यय नियंत्रण) अनुभाग-12 की अशासकीय पत्र संख्या-ई-12- 1727/दस-2011 दिनांक 21 जुलाई, 2011 में प्राप्त उनकी सहमति से जारी किये जा रहे हैं।

वकुंवर फतेह बहादुर
प्रमुख सचिव, गृह"

5. It is submitted by learned counsel for the petitioner that in the above regard, he has already approached the authority competent in the matter vide representation dated 13th July, 2023, copy whereof has been brought on record as Annexure No. 6 to the writ petition.

6. Learned Standing Counsel submits that the matter can be directed to be considered by the authority concerned.

7. In view of the above, this petition stands disposed of with a direction to the competent authority to look into and consider the grievance of the petitioner as raised in his representation dated 13th July, 2023 and decide the same within a period of two months from the date of receipt of certified copy of this order.

8. Needless to add that the order to be passed by the competent authority, as directed herein above, shall be reasoned and speaking one.

Order Date :- 18.10.2023

IrfanUddin