

Court No. - 8

Case :- WRIT - A No. - 2001954 of 2015

Petitioner :- Indra Prakash

Respondent :- State Of U.P. Thru Prin.Secy.Transport
Deptt.Anubhag-3 Andors.

Counsel for Petitioner :- Rajendra Prasad Shukla,Praveen
Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel for the petitioner as well as Mr. Ashwani Kumar Singh Rathaur, learned Standing Counsel for the respondents-State Authorities.
2. The present petition under Article 226 of the Constitution of India has been filed, seeking quashing of the Office Memorandum dated 27.11.2005 issued by the Principal Secretary, Transport Department, Government of Uttar Pradesh (Annexure-1), rejecting claim of the petitioner for granting him pay-band 4 of Rs.37400-87000 with grade-pay of Rs.8,700 i.e. the pay-band admissible to the post of Deputy Transport Commissioner.
3. The petitioner retired from service from the post of Assistant Regional Transport Officer (for short "A.R.T.O.") on 31.07.2013. The petitioner was in pay-band 3 in the pay-scale of Rs.15000-39100 with grade-pay of Rs.7600 on the date of retirement.
4. The claim of the petitioner is that he ought to have been given pay-scale of Rs.37400-67000 with grade-pay of Rs.8700 with effect from 03.03.2011. The pay-scale, which the petitioner is claiming, is of Deputy Transport Commissioner.
5. Admittedly, the petitioner got retired from the post of A.R.T.O. It is also relevant to mention here that the petitioner was initially appointed on the post of Regional Inspector (Technical) on 20.02.2081. He was promoted to the post of Assistant Regional Transport Officer on 02.09.1992. After completion of eight years of service as Assistant Regional Transport Officer, the petitioner was given up-gradation, and he was placed in the pay-scale of Rs.10000-15200 as per the Government Order dated 09.05.2003 as Assistant Regional Transport Officer. The petitioner was given the second A.C.P.

on completion of 18 years of satisfactory service on the post of Assistant Regional Transport Officer.

6. The petitioner could not have been given third A.C.P. on completion of 26 years satisfactory service before he got retired from the post of Assistant Regional Transport Officer. In effect, the petitioner is claiming the benefit of 3rd A.C.P. before completion of 26 years of satisfactory service. When the petitioner did not complete requisite length of service for being eligible to be given the benefit of 3rd A.C.P., his claim has been rejected vide impugned order. I find no error in the order impugned herein and, therefore, this petition, being devoid of merit and substance, is hereby **dismissed**.

[D.K. SINGH, J.]

Order Date :- 10.7.2023

MVS/-