

Court No. - 19

Case :- WRIT - A No. - 9356 of 2023

Petitioner :- Ashok Kumar Arora

Respondent :- State Of U.P. Thru. Prin. Secy. Dairy
Development Deptt. Lko. And 2 Others

Counsel for Petitioner :- Pradeep Kumar Tripathi

Counsel for Respondent :- C.S.C.,Shanker Lal

Hon'ble Jaspreet Singh,J.

1. Heard learned counsel for the petitioner.
2. Notice on behalf of the respondent no.1 has been accepted by the office of the Chief Standing Counsel.
3. Shri Pankaj Patel, learned counsel has filed his Vakalatnama on behalf of the respondents no. 2 and 3, which is taken on record.
4. The grievance of the petitioner is that he has retired in the year 2017. Despite the aforesaid, the petitioner has not been granted the arrears of the 1st and 2nd Promotional Pay Scale on completion of 19 and 24 years of satisfactory service, respectively. It is stated that the petitioner has escalated the matter before the authority concerned, however, on the basis of some alleged pending Audit objection relating to the year 2015-16 and 2016-17, the amount has not been paid to the petitioner. It is also urged that under the Rules i.e. no provision for initiating any disciplinary action against the petitioner after his retirement. In the aforesaid circumstances, where admittedly the petitioner had retired in the year 2017 that can be no valid reason to withhold the arrears of the 1st and 2nd Promotional Pay Scale as claimed by the petitioner inasmuch as till date there is no disciplinary inquiry initiating of pending against the

petitioner.

5. In view of the aforesaid, this Court directs the respondent no.2 to consider and decide the issue regarding payment of the arrears of 1st and 2nd Promotional Pay Scale within a period of eight weeks from the date a copy of the certified order is placed before the authority concerned. The authority shall also take note of the fact that till date there is no disciplinary inquiry and under what provision the arrears of the Promotional Pay Scale could be withheld. The Court grants liberty to the petitioner to move a fresh representation within a period of two weeks from today and wherein the petitioner shall be at liberty to raise all his grievances and the same is received in the office of the respondent no.2, who shall consider and decide the same within a period of six period thereafter by reasoned and speaking order. In case, there is no legal impediment the petitioner shall be paid arrears for further period of four weeks.

6. With the aforesaid, the petition is **disposed of**.

Order Date :- 7.12.2023

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