2026:AHC:227504

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 22521 of 2002

U.P.S.R.T.C. Jhansi Region Jhansi

.....Petitioner(s)

Versus

Bala Deen And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashok Kumar Singh, Nishant Mehrotra, Rahul Anand Gaur, Sheo Ram Singh
Counsel for Respondent(s)	:	Ajeet Kumar, C.S.C., Gaurav Kumar Srivastava, Rajesh Singh

Court No. - 36

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Heard Sri Sheo Ram Singh, learned counsel for the petitioner and Sri Rajesh Singh, learned counsel for the respondents.

2. The contesting respondent has declared his date of birth as 01.01.1968, therefore, he became entitled for driving license after 01.01.1986 i.e. after attaining the age of 18 years. However it appears that the petitioner has applied for driving license before the completed 18 years and driving licence for light motor vehicle bearing No. B25/Banda/85, was issued in the year 1985. The contention of the contesting respondent is that merely because the licence mentioned the year of issuance as 1985 it cannot be ignored that it was w.e.f 27.10.1986, would not entitle to declare the driving license to be as per the law especially when the contesting respondent has applied for appointment as a driver of a heavy motor vehicle. A licence for a heavy motor vehicle can be issued only after completion of two years from the date of issuance of a licence for a light motor vehicle. Therefore, the contesting respondent was, therefore, not considered eligible for appointment as a driver, and the matter was referred for adjudication as an industrial dispute.

3. An award was passed that the year of issuance of the driving licence would not be the determining factor and directed the UPSRTC to grant appointment to the contesting respondent as a driver. The said award was challenged by the UPSRTC by filing the present writ petition wherein a

stay order was granted and present writ petition remained pending before this Court for last 24 years. Now, the contesting respondent has crossed the age of 58 years, therefore, now he cannot be granted appointment. Therefore, there is no scope of reinstatement even if the contention of the learned counsel for the respondent is appreciated.

4. Otherwise also, this Court is of the opinion that the driving licence number itself bears the year of issuance, i.e., 1985. The said number and the year of issuance cannot be ignored, particularly when the case relates to a licence for a heavy motor vehicle, which could be issued only after completion of two years from the date of issuance of a licence for a light motor vehicle. If the driving licence was issued in the year 1985, the contesting respondent was below the requisite age at the relevant time. Therefore, the licence was not correctly issued.

5. In view of the aforesaid, this Court finds that the contesting respondent was not entitled to appointment as a driver. Moreover, no relief can now be granted to the contesting respondent, as he has already crossed the age of fifty eight years.

6. Accordingly, the writ petition filed by the petitioner-UPSRTC is **allowed**. The impugned award passed by the Industrial Tribunal is hereby set aside.

(Saurabh Shyam Shamshery,J.)

November 2, 2026
Ashok Gupta

Digitally signed by :-
ASHOK KUMAR GUPTA
High Court of Judicature at Allahabad