2026:AHC:211526

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 39699 of 2014

U.P.S.R.T.C.

.....Petitioner(s)

Versus

Presiding Officer Labour Court I And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Sunil Kumar Mishra
Counsel for Respondent(s)	:	Mahtab Alam, R.G. Prasad, R.P. Singh Parihar, S.C., Udai Karan Saxena(Senior Adv.)

Court No. - 36

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Heard Sri A.Mishra, learned counsel for the petitioner and Sri Mahtab Alam, learned counsel for the respondents.

2. Petitioner before this Court is U.P.S.R.T.C. and is aggrieved by the award dated 8.8.2013, whereby following award was passed in favour of contesting respondent:

> "उपर्युक्त विवेचना के आधार पर मैं इस निष्कर्ष पर पहुँचा हूँ कि चूँकि दिये गये दण्डादेश वादी को प्राप्त नहीं कराये गये और जिसके कारण उसे तथाकथित दण्डादेशों के विरूद्ध चाराजोही करने के अवसर से वंचित रखा गया। अत: उन दण्डादेशों द्वारा रोकी गई वेतन वृद्धियां अथवा उन पर पाने वाला हितलाभ पाने पाने का वह अधिकारी है। श्रमिक को प्रोन्नति न देना भी अवैधानिक है, क्योंकि उसको छोडते हुये उससे कनिष्ठ कर्मचारियों को प्रोन्नति दे दी गई है। अत: वादी नियमानुसार उससे कनिष्ठ कर्मचारी की प्रोन्नति की तिथि से पदोन्नति "उपर्युक्तका लाभ देते हुये एरियर का भुगतान पाने का भी अधिकारी हो जाता है। सेवायोजक द्वारा वादी को दिये गये तथाकथित दण्डदेश निरस्त किये जाते है और सेवायोजकों को आदेशित किया जाता है कि वह वादी को समस्त वेतन वृद्धियां अन्य हितलाभों सहित प्रदान करते हुये वरिष्ठता सूची प्रदर्श डब्लू-*1* व *2* के अनुसार उससे कनिष्ठ कर्मचारियों की पदोन्नति की तिथि से उसे भी प्रोन्नति का लाभ प्रदान करते हुये एरियर का भुगतान करें।
> प्रतिवादी सेवायोजक वादी प्रतिनिधि को रूपया दो हजार वाद परिव्यय स्वरूप अलग से भुगतान करें। तद्नुसार वर्तमान संदर्भदिश वादी यूनियन के पक्ष में तथा प्रतिवादी सेवायोजक के विरूद्ध निर्णीत किया जाता है"

3. When this writ petition was filed, following order was passed on 2.8.2014:

> *"Sri R.G. Prasad, Advocate appears for the respondent-workman may file a counter affidavit within a month.*
>
> *List this matter on 3rd of September, 2014.*
>
> *Subject to deposit of entire dues under the award with the Deputy Labour*

Commissioner concerned the operation of the award may be kept in abeyance till 3rd of September, 2014. The amount shall be deposited within a period of two weeks from today.

Failure to comply with this order will render the stay order automatically vacated."

4. In pursuance of above order an amount of Rs.1,81,600/- was deposited.

5. This Court has passed further interim order on 25.9.2014:

"Learned counsel for the petitioner prays for and is granted three weeks to file rejoinder affidavit. It is directed that amount deposited by the petitioner before the court below shall be released to the respondent workman within two weeks from today. List on 15.10.2014. Interim order already granted is extended till then."

6. In pursuance of above order, 1/4th amount is being released in favour of contesting respondent.

7.After hearing learned counsel for the rival parties, Court is of a view that direction passed that contesting respondent be granted promotion from the date his juniors were promoted is an absolutely illegal order since only order which could have been passed by the Labour Court to consider contesting respondent for promotion, may be from the date his juniors were promoted. Otherwise also, contesting respondent has already crossed age of superannuation on 30.4.2007, therefore, a direction to promote him from backdate and grant all other benefits would also be illegal. Promotion can be granted when the person is working except in extraordinary circumstances which does not arise.

8. As referred above, Rs.181630/- was deposited and out of which 1/4th amount has already been released in favour of contesting respondent, therefore, in the interest of justice, it is directed that remaining amount shall also be released in favour of contesting respondent.

9. Writ Petition is accordingly disposed of.

(Saurabh Shyam Shamshery,J.)

October 8, 2026
SB

Digitally signed by :-
SANDEEP BHATTACHARYA
High Court of Judicature at Allahabad