
(2011) 11 AHC CK 0200
In the Allahabad High Court
Case No : Service Single No. - 8191 of 2011

Dinesh Kumar Tripathi and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 15-11-2011

Acts Referred:

Citation : (2011) 11 AHC CK 0200

Hon'ble Judges : Anil Kumar, J

Bench : Single Bench

Judgement

Hon'ble Anil Kumar, J.—Heard learned counsel for the parties and perused the record.

2. With the consent of learned counsel for the parties, present writ petition is being disposed of at the admission stage.

3. Learned counsel for the petitioners submits that petitioner nos. 1 and 3 are discharging their duties on the post of Constable and presently posted at P.S. Safdarganj District Barabanki. Petitioner no. 2 is discharging his duties of the post of Constable and presently posted at S.P.O. Barabanki and petitioner nos. 4 and 5 are discharging their duties on the post Head Constable in Police Line, Barabanki.

4. Learned counsel for the petitioners submits that opposite parties are not counting the period which was rendered by the petitioners during training in respect to promotion to the higher post. He further submits that the controversy which involved in the present case is squarely covered by a decision of this Court at Allahabad in Civil Misc. Writ Petition No. 24910 of 2006 (Constable 88 C.P. Lal Babu Shukla & others Vs. State of U.P. and others). The operative portion of the same is quoted as under:

The note dated 28th March, 2007 sent by the Financial Controller, U.P. Police, Headquarters, Allahabad mentions that the training period should be counted

only for the purposes of pension and post retirement benefits but not for any benefits during the service period. This direction contained in the aforesaid note is contrary to the earlier circular dated 8th November, 1965 which provides that the recruits should be treated to have been appointed in service from the date they undergo training and his period should also be considered as period spent in service.

Thus, for the reasons stated above, the respondents are not justified in not counting the period spent in training for the purposes of calculating 24 years of service for grant of promotional pay scale to the petitioners. The writ petition is allowed with a direction to the respondents to count the training period of the petitioners for the purposes of granting second promotional pay scale.

5. It is requested by learned counsel for the petitioners that the present writ petition may be disposed of in terms of the judgment dated 8.4.2009 passed in Civil Misc. Writ Petition No. 24910 of 2006.

6. Learned Standing Counsel has no objection to the above said prayer.

7. For the foregoing reasons, writ petition is disposed of in terms of the judgment dated 8.4.2009 passed in Civil Misc. Writ Petition No. 24910 of 2006 (Constable 88 C.P. Lal Babu Shukla & others Vs. State of U.P. and others).