



2026:AHC:47636

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 10080 of 2024

Dr Surendra Deo Tripathi

.....Petitioner(s)

Versus

State Of Up And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Krishna Kumar Mishra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Krishna Kumar Mishra, learned counsel for the writ petitioner and Sri Awdhesh Kumar Shukla, learned Standing Counsel for the State.
2. Since counter and rejoinder affidavits have been exchanged between the parties and the counsel for the rival parties do not propose to file any further affidavit, the writ petition is being decided at the admission stage.
3. The case of the writ petitioner is that he is superannuated from the post of Deputy Chief Medical Officer on 03.04.2015, since the writ petitioner was not being paid arrears of ACP, thus, the present writ petition came to be preferred.
4. The writ petition was entertained by this Court on 15.07.2024.
5. A counter affidavit came to be filed by the Joint Director (Gopan), Medical and Health Services, Directorate, U.P., Lucknow dated 21.09.2024 to which a rejoinder affidavit has been filed.
6. Learned counsel for the writ petitioner has sought to argue that the writ petitioner is entitled to the benefit of 3rd ACP with effect from 01.12.2008 post completion of 17 years of service and 4th ACP with effect from 10.12.2012 after completion of 24 years of service but the same has not been paid on the ground that the matter has been referred to the State Government in that regard.

7. Sri Shukla, learned Standing Counsel, on the other hand, submits that the claim of the writ petitioner for 3rd and 4th ACP is under consideration and the decision would be taken.

8. I have heard the submissions so made across the bar and perused the record.

9. Apparently, the grievance of the writ petitioner is regarding non payment of the 3rd and 4th ACP. In para 5 of the counter affidavit it has been recited that the petitioner has been given the benefit of 5 years time scale vide order dated 29.05.1997 with effect from 10.02.1993 and the benefit of 16 years of personal pay scale by virtue of the OM dated 13.12.2008 with effect from 10.02.2004 and on 21.08.2024, the Directorate had sent the proposal to the State Government for according benefit of the 3rd ACP with effect from 01.12.2008 post completion of 17 years special ACP and benefit of 4th ACP with effect from 10.12.2012 post completion of 24 years. Since the factum of entitlement of 3rd and 4th ACP is not under dispute and the proposal has been referred to the State Government, thus, a conscious decision is to be taken by the State in that regard.

10. Accordingly, the writ petition stands **disposed of** requiring the Principal Secretary, Medical and Health, U.P. at Lucknow in collaboration with Director (Administration), Medical and Health Services, U.P., Lucknow and Additional Director Medical and Family Welfare, Gorakhpur Mandal, Gorakhpur to consider the grievance of the writ petitioner for the payment of 3rd and 4th ACP within a period of two months from the date of production of certified copy of the order.

(Vikas Budhwar,J.)

March 9, 2026
Rajesh