

		 2026:AHC:7166-DB
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Judgment Reserved on 05.12.2025
Judgment Delivered on 12.01.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 5267 of 2025

Badal Chatterjee		
	Petitioner(s)
	Versus	
Union of India and 2 others		
	Respondent(s)
Counsel for Petitioner(s)	:	Ashish Pathak, Badal Chatterjee, Chandan Sharma
Counsel for Respondent(s)	:	A.S.G.I., Manish Goyal, A.A.G., Akansha Sharma S.C., Vivek Kumar Singh

Connected with

WRIT - A No. - 5265 of 2025

Shankar Singh		
	Petitioner(s)
	Versus	
Union of India and 2 others		
	Respondent(s)
Counsel for Petitioner(s)	:	Rakesh Pande (Sr. Adv.), Ashish Pathak, Badal Chatterjee, Chandan Sharma

Counsel for Respondent(s)	:	A.S.G.I., Manish Goyal, A.A.G., Akansha Sharma S.C., Vivek Kumar Singh

Chief Justice's Court

**HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.**

(Per: Kshitij Shailendra, J.)

1. Heard learned counsel for the parties.
2. These two writ petitions involving common questions of facts and law were heard together and are being decided by this common judgment.
3. Both the writ petitions raise challenge to separate orders dated 23.12.2024 passed by the Central Administrative Tribunal, Allahabad Bench, Allahabad (in short the ‘Tribunal’) respectively in O.A. No. 988 of 2021 (Badal Chatterjee vs. Union of India and another) and O.A. No. 987 of 2021 (Shankar Singh vs. Union of India and another). In both the Original Applications, prayers were made to grant and release pay scale of Rs. 67000-79000/- to the petitioners-applicants, w.e.f. 20.06.2013, i.e. the date from which their juniors were granted the said pay scale. Further prayer was made to pay arrears of salary and consequent revised retiral benefits and pension alongwith interest @ 18% per annum w.e.f. 20.06.2013.
4. For the sake of convenience, Writ A No. 5267 of 2025 is being treated as leading case and reference to facts and documents would be made from record of the said writ petition.
5. The petitioner was an officer of the Provincial Civil

Service of Uttar Pradesh (P.C.S.) pertaining to 1979 Batch. He was placed in the Gradation list of 2006. He was inducted into the Indian Administrative Service (I.A.S.) as per Government Gazette dated 28.11.2012. After induction into the I.A.S. as a probationer, he was maintaining his lien in the State Civil Services during the probation period. The officers in State Civil Services of 1979 Batch, who were not found fit to be inducted into I.A.S. and who remained in the State Civil Services, were granted pay scale of Rs. 67000-79000/- pertaining to the State Civil Services on 20.06.2013. The petitioner, having come to know about the same, represented to the Authorities requesting grant of same pay scale as he was maintaining lien in the State Civil Services while being on probation in I.A.S. cadre.

6. The petitioner retired on 28.02.2015 as Commissioner, Food Safety and Drugs Administration and submitted a representation dated 23.11.2015 requesting the Principal Secretary, Appointment Department to release the aforesaid pay scale on the strength of Government of India's decision dated 31.10.1966 providing for entitlement of all the benefits that might accrue to him in State Civil Services, to an inductee in All India Services (AIS) on probation, while retaining his lien in State Civil Services before confirmation in AIS.

7. Further case of the petitioner is that under similar and identical circumstances, one of the officers of the State Police Services, namely, Rajesh Kumar Srivastava (I.P.S.) submitted a representation for grant of the same benefits, as prayed for by the petitioner, however, when his request was turned down by the State Government, he preferred an O.A. No. 257 of 2010 (Rajesh

Kumar Srivastava vs. Union of India and 2 others) before the Lucknow Bench of the Tribunal. The same was allowed by the Tribunal on 25.02.2015 against which order, the State Government preferred writ petition being Service Bench No. 16174 of 2016, which was dismissed by Lucknow Bench of this Court by order dated 04.08.2016, whereupon the order passed by the Tribunal was complied with by the department and Rajesh Kumar Srivastava was granted benefits.

10. When persistent requests made by the petitioner for grant of aforesaid pay scale were not adhered to, he preferred O.A. No. 806 of 2020, which was disposed of by the Tribunal on 04.01.2021 permitting the petitioner to move a fresh representation ventilating all his grievances annexing relevant Rules and Regulations before the Competent Authority within fifteen days and the Authority was directed to decide the same by a speaking and reasoned order within a period of next three months.

11. The petitioner, in furtherance of the order of the Tribunal, submitted a fresh representation on 13.01.2021 before the Additional Chief Secretary, Appointment and Personnel. When the representation was not decided within the stipulated period of time, the petitioner filed a contempt application, in which notices were issued by the Tribunal to the concerned Officers, whereupon the Additional Chief Secretary decided the representation on 25.08.2021 mentioning that the matter had been referred to the Government of India and only after the clarification is received from the Government, taking final decision would be possible. The contempt proceedings were dropped by the Tribunal

on 21.10.2021 indicating that the applicant would be at liberty to file an O.A. seeking redressal of his grievances. Hence, the O.A. giving rise to the present writ petition was filed.

12. The case of the petitioner before the Tribunal was based upon mainly three aspects, **firstly**, that juniors to him, who could not be inducted in I.A.S. cadre on account of their unfitness, were being paid salary as per the pay scale of Rs. 67000-79000/- but the petitioner, though placed in higher cadre, was being discriminated; **secondly**, in identical facts, Rajesh Kumar Srivastava has got relief upto this Court and, therefore, similar relief be granted to the petitioner and, **thirdly**, the Government of India's decision dated 31.10.1966 being clear and unambiguous, denial to grant the desired pay scale for one or the other reason, is unjust and improper.

13. The claim of the petitioner was contested by the respondents before the Tribunal taking a stand that on the issue involved, advice was received from the Law Department, whereafter meeting was held at the level of Chief Secretary on 21.06.2016, wherein it was decided to put up the matter before the High Level Committee under the Chairmanship of Agriculture Production Commissioner, U.P.; recommendations of the Committee dated 20.02.2017 were received by the Appointment Department which were not found acceptable; guidelines on claim based upon the Government of India's decision dated 31.10.1966 and **Indian Administrative Service (Appointment by Promotion) Regulations, 1955 (in short 'Regulations, 1955)**, were sought from the Government on 06.10.2017, which could not be received despite reminders.

14. Further defence was that the petitioner was not entitled to reliefs granted to Rajesh Kumar Srivastava as the latter was in State Police Services and was promoted to I.P.S., whereas the petitioner was promoted to I.A.S. wherefrom he was superannuated and both the said cadres were different.

15. The Tribunal dismissed O.A. holding it being devoid of merits and the reasoning recorded is that since the petitioner was having a lien in the P.C.S. during his probation period in the I.A.S., he had a 'choice to revert back' to his erstwhile P.C.S. during the period of lien and that since the petitioner continued to serve in I.A.S., his pay and promotion are governed under relevant All India Service Rules and had the petitioner reverted to the P.C.S. during the period of his lien, he would have been eligible for promotion in the State Civil Services w.e.f. the date of promotion of his juniors in such services.

SUBMISSIONS ON BEHALF OF THE PETITIONER

16. Learned counsel for the petitioner has made following submissions:-

(i) Once there is no dispute about the fact that the petitioner was promoted to I.A.S. maintaining his lien in State Civil Services during the probation period, Clause 4 of Government of India's decision compiled in Regulations, 1955 would apply in full force in favour of the petitioner and he would be entitled to all the benefits and, therefore, denial to grant and release the same is not justified.

(ii) Artificial distinction in between the case of the petitioner and that of Rajesh Kumar Srivastava, as sought to

be carved out by the Tribunal while non-suiting the petitioner, is wholly unjustified as the aforesaid Clause 4 applies in case of promotions both as I.A.S. and I.P.S. and Office Memorandum dated 29.06.1965 relied upon in the case of Rajesh Kumar Srivastava is exactly identical to Office Memorandum dated 31.10.1966 relied upon by the petitioner and, therefore, no discrimination/distinction can be made.

(iii) The judgment of Lucknow Bench of the Tribunal in the case of Rajesh Kumar Srivastava, as upheld by this Court, was successively followed by the Lucknow Bench of the Tribunal in various other O.As., being O.A. No. 332/00509/2016 (Om Prakash Verma and 2 others vs. Union of India and 2 others), O.A. No. 332/00508/2016 (Satya Narain Srivastava and 36 others vs. Union of India and 2 others) and O.A. No. 332/00506/2016 (Harendra Veer Singh and 4 others vs. Union of India and 2 others), all decided on the same day, i.e. 23.01.2025, which decisions have not been challenged, therefore, the undue discrimination made with the petitioner is violative of Article 14 of Constitution of India.

(iv) Observation recorded by the Tribunal to the effect that the petitioner had a choice to revert back to his erstwhile P.C.S. during the period of lien, is wholly uncalled for as having 'choice' or 'no choice' is immaterial and irrelevant qua the controversy involved in the matter, wherein benefits of the aforesaid Office Memorandum was claimed with reference to other decisions and in the light of

the fact that persons junior to the petitioner had been granted the aforesaid pay scale.

(v) The Government, vide Office Memorandum dated 01.12.1994, had clarified that benefits admissible to the promotees in I.A.S. cadre from P.C.S. cadre will, under no circumstances, be less than those admissible to junior officers remaining under P.C.S. cadre and, therefore, the petitioner's pay scale cannot be lesser than what P.C.S. officers junior to him are receiving.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

17. Per contra, learned counsel for the respondents has made following submissions:-

(i) At the time of joining of the petitioner in I.A.S. cadre, he was required to submit a certificate relinquishing pay scale of P.C.S. cadre, as indicated in the U.P. Government's letter dated 28.11.2012 and, therefore, intention of the Government was clear to the effect that no benefits of the pay scale of P.C.S. cadre would be available to the petitioner and, hence, the reliefs claimed were rightly denied by the Tribunal.

(ii) The petitioner was never confirmed in I.A.S. cadre, he retired as a probationer and, therefore, he will have to abandon and return all benefits of I.A.S. cadre, he has availed so far.

(iii) As per Rule 3 of the **Indian Administrative Service (Probation) Rules, 1954** (in short the 'Rules, 1954'),

the period of probation is prescribed as one year, which can be extended by the Central Government for another one year and, therefore, maximum period of probation being two years, since the petitioner was inducted in I.A.S. cadre on 27.11.2012, one year probation period ended on 26.11.2013 and extended period of probation ended on 26.11.2014 and the petitioner having retired three months thereafter on 28.02.2015, would be deemed to acquire the status as a 'confirmed officer' in I.A.S. cadre as per Rule 3 (3-A) of the Rules, 1954 and, thus, has no case.

(iv) The petitioner, during the course of training, did not appear for final examination, as required under Rule 7 of Rules, 1954 and, therefore, he has no case.

(v) While inducting the petitioner in I.A.S. cadre, remark was made by the U.P. Government indicating that such induction is subject to 'Lekha Pariksha' and once the petitioner did not appear in any departmental examination, he has no case.

(vi) No parity can be claimed by the petitioner with the case of Rajesh Kumar Srivastava (supra) and correct view has been taken by the Tribunal after considering different cadres, i.e. I.A.S. and I.P.S. and as far as the other decisions of the Tribunal in furtherance of judgment in the case of Rajesh Kumar Srivastava (supra), the respondents shall assail the same and, hence, merely based upon the said erroneous decisions, when the basic order itself is bad, no relief can be granted to the petitioner.

DISCUSSION AND CONCLUSION

18. We have heard Shri Rakesh Pande, learned Senior Advocate assisted by Shri Chandan Sharma, learned counsel for the petitioner, Shri Manish Goyal, learned Additional Advocate General for respondent No. 2, learned Additional Solicitor General of India for the Union of India and have perused the material available on record.

19. Since the basis of the petitioner's claim is Clause 4 of Government of India's decision contained in Regulations, 1955, it would be appropriate to reproduce the same, which reads as under:-

"4. A State Service Officer, on appointment to an All India Service on probation, would retain his lien in the State Service and therefore, be entitled to all the benefits that may accrue to him in that Service (such as confirmation in the Selection Grade of the Civil Service) before his confirmation in the All India Service."

20. As arguments are also based upon the Office Memorandum dated 01.12.1994, relevant clause thereof requires reproduction, which reads as under:-

"पी०सी०एस० संवर्ग से आई०ए०एस० में प्रोन्नत अधिकारियों की परिलब्धियां किसी भी दशा में उनसे कनिष्ठ पी०सी०एस० में बने रहे अधिकारियों की वर्तमान परिलब्धियों से कम नहीं होंगी।"

21. There being no dispute about the fact that the petitioner was, prior to his induction as I.A.S. on probation, was a State Civil Service Officer and was never confirmed in I.A.S. cadre. As to whether non-confirmation of the petitioner would be read

against him, as argued by the respondent side, language used in Clause 4 is to be looked into. The provision is apparently meant for the period of probation and cannot be read so as to mean that an inductee in I.A.S. cadre from State Civil Service would get benefits of State Civil Services only on his confirmation. As a matter of fact, words '**before his confirmation**' appearing in Clause 4 cannot be read as '**on his confirmation**'.

22. As far as the distinction drawn by the Tribunal in between the case of the petitioner and that of Rajesh Kumar Srivastava, though it is true that Rajesh Kumar Srivastava was promoted from State Civil Services to I.P.S., the language used in Office Memorandum dated 29.06.1965, as applicable to the case of Rajesh Kumar Srivastava (supra), and the language used in Office Memorandum dated 31.10.1966, as relied upon by the petitioner, is absolutely identical and, for a ready reference, the Office Memorandum dated 29.06.1965 is reproduced as under:-

Office Memorandum dated 29.06.1965

“A State Service Officer, on appointment to an All India Service on probation, would retain his lien in the State Service and, therefore, be entitled to all the benefits that may accrue to him in that Service (such as confirmation in the Selection Grade of the State Civil Service) before his confirmation in the All India Service.”

23. In view of the identical stipulations contained in the Office Memorandum dated 29.06.1965 and Clause 4 of Government of India's decision contained in Regulations, 1955, no discrimination can be made in between the case of petitioner and Rajesh Kumar Srivastava, as far as grant of desired pay scale

is concerned, inasmuch as both I.P.S. and I.A.S. are All India Services and the provision confers upon both I.P.S. and I.A.S., all the benefits during their probation period while maintaining/retaining lien in the State Civil Services.

24. There is another aspect of the matter as to why the plea raised by the respondents or the finding recorded by the Tribunal pointing out difference between I.P.S and I.A.S. cadres, cannot be accepted. Though Rajesh Kumar Srivastava was an I.P.S. officer, all orders dated 23.01.2025 passed by the Lucknow Bench of the Tribunal in O.A. No. 332/00509/2016, O.A. No. 332/00508/2016 and O.A. No. 332/00506/2016, indicated herein-before, reflect that all the said cases were of those persons, who were appointed in U.P.P.C.S. and were inducted in I.A.S. cadre in accordance with Rules, 1954 and once the Tribunal, in all the aforesaid cases, granted benefits to dozens of the applicants of the said O.As. based upon the decision in the case of Rajesh Kumar Srivastava (supra), this Court does not find any good reason to deny the same benefits to the petitioner, irrespective of the fact that the respondents have raised a plea regarding prospective challenge to the orders dated 23.01.2025 passed by the Tribunal and taking it as a ground for denying relief to the petitioner.

25. As far as stipulation referred to by Shri Goyal in the pay slip indicating that induction of the petitioner would be subject to Lekha Pariksha, the same in our opinion, would not be fatal to the case of the petitioner for the reason that no document has been brought on record by the respondents nor has been referred to by the Tribunal in the order impugned, by which the Department had ever attempted to conduct some examination and the petitioner

having been asked to appear in the same, failed to appear and, as a consequence thereof, he was held not entitled to get the desired pay scale. As a matter of fact, though Rule 7 of Rules, 1954 provides for final examination to be undertaken by a probationer, non-conduct of such examination by the department itself, cannot be taken as a ground to deny the benefits, which he is entitled to reap while remaining as a probationer in I.A.S. cadre and retaining his lien in P.C.S. cadre.

26. As far as submissions based upon period of probation, the initial period of probation being one year which is extendable to a further period of one year and the petitioner having retired as probationer three months after expiry of two years period of probation, the same cannot be taken as a ground to deny benefits, which are clearly conferred upon inductees like that of petitioner as per the Office Memorandum dated 31.10.1966, Clause 4 of Government of India's decision contained in Regulations, 1955 and Clause 4 of Office Memorandum dated 01.12.1994. Contrary submissions made in that regard stand discarded.

27. While concluding the judgment, we seriously deprecate the conduct of the respondents in denying benefits apparently admissible to the petitioner. The stipulations in all the Rules, Regulations and Office Memoranda are clear and unambiguous as also the service status of the petitioner undisputed. Therefore, first, lingering on decision on the petitioner's representation for years together and, then, taking aid of awaited guidelines from the Government and using the same as a weapon not to pay the benefits and, then, seeking to interpret one or the other word or stipulation in either way so as to treat an I.A.S. Officer of their

own department as a person inferior to his juniors for no cogent reason at all, clearly reflects 'red tapism' on the part of the respondents. It is apparently clear that the respondents made it an issue not to release benefits admissible to the petitioner despite everything being in his favour, not only the Rules, Regulations and Office Memorandum but also successive decisions of the Tribunal itself, basic judgment being Rajesh Kumar Srivastava (supra), which was upheld by this High Court while dismissing the writ petition being Service Bench No. 16174 of 2016 on 04.08.2016.

28. In view of the above, we see no justifiable reason for non-suiting the petitioner, either by the respondents or by the Tribunal and are of the considered view that the petitioner has successfully made out a case for grant of reliefs prayed by him before the Tribunal.

29. The case of the petitioner of connected WRIT- A No. 5265 of 2025 (Shankar Singh vs. Union of India and another) being identical on facts and law, both the writ petitions deserve to be allowed for the reasons indicated in this judgment.

30. Both the writ petitions are, accordingly, **allowed**.

31. The orders dated 23.12.2024 passed by the Central Administrative Tribunal, Allahabad Bench Allahabad in O.A. No. 988 of 2021 (Badal Chatterjee vs. Union of India and another) and in O.A. No. 987 of 2021 (Shankar Singh vs. Union of India and another) are hereby **set aside** and both the Original Applications are **allowed**.

32. The respondents are directed to release arrears of pay to

the petitioners w.e.f. 20.06.2013 based upon and computed on the pay scale of Rs.67000-79000/- onwards and also post retiral benefits on the said pay scale as per their respective dates of retirement.

33. In addition to the above, the petitioners shall be entitled to get simple interest @ 6% per annum w.e.f. 20.06.2013 (on the arrears of pay) and interest at the same rate on post retiral benefits (w.e.f. the dates of their retirement) and shall also receive pension accordingly.

34. All the benefits, as directed above, shall be released in favour of the petitioners within a period of **two months** from the date of this order.

(Kshitij Shailendra, J.) (Arun Bhansali, CJ.)

January 12, 2026

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