

Court No. - 10

Case :- WRIT - A No. - 16482 of 2023

Petitioner :- Atul Kumar Sharma

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Akshayavar Nath Pandey, Ayush Kaushik

Counsel for Respondent :- C.S.C., Narendra Bahadur Singh

Hon'ble Kshitij Shailendra, J.

1. This writ petition has been nominated to this Bench under the order dated 09.10.2023 passed by Hon'ble the Chief Justice.
2. Heard Shri Indra Mohan Singh, learned counsel holding brief of Shri Ayush Kaushik, learned counsel for the petitioner, learned Standing Counsel for the respondent No. 1 and Shri Mukesh Kumar Singh, learned counsel holding brief of Shri Narendra Bahadur Singh, learned counsel for respondent Nos 2 to 5 and perused the record.
3. By means of this writ petition, a direction has been sought for consideration and decision on the petitioner's representation dated 03.08.2023.
4. I have perused the said representation, by which the petitioner has prayed for salary for a period of three years and four months w.e.f. 28.05.2018 to 13.10.2021.
5. Learned counsel for the petitioner submits that though the petitioner has been reinstated on his post, the salary for the aforesaid period has not been paid to him and, therefore, a representation dated 03.08.2023 has been moved by him.
6. I have perused the record and I find that the services of the petitioners were terminated on 29.05.2018 and his departmental appeal was dismissed, however revision preferred by him was allowed on 17.08.2021 with the following directions:

"अतएव क्षेत्रीय प्रबन्धक, बरेली द्वारा पारित दण्डादेश संख्या- बीआर / 1- डी /18-2828 दिनांक 29.05.2018 एवं अपीलीय अधिकारी प्रधान प्रबन्धक (वाणिज्य) निगम मुख्यालय द्वारा पारित अपीलीय आदेश संख्या-281 / रोडी /19-88 अपील /

2018 दिनांक 27.03.2019 को निरस्त कर, रिवीजनकर्ता की 03 वर्ष की वार्षिक वेतन वृद्धियाँ बिना भविष्य प्रभाव के रोकते हुए, रिवीजनकर्ता को सेवा में बहाल किया जाता है। रिवीजनकर्ता को सेवा से बाहर रहने की अवधि का कोई वेतन एवं वित्तीय लाभ देय नहीं होगा, परन्तु सेवा की तारतम्यता बनी रहेगी”

7. Admittedly, the order dated 17.08.2021 has not been challenged and, therefore, in view of specific stipulation contained to the effect that the increment has been stopped and the petitioner shall not be entitled for salary for the period during which he remained out of service, I find that the representation dated 03.08.2023 contains a prayer contrary to the decision taken by the revisional authority.

8. In view of above, once this Court is satisfied that no relief can be granted to the petitioner from the department so long as the order dated 17.08.2021 stands as it is, the representation is found to be not maintainable and no direction for its consideration can be issued by this Court.

9. In view of above, the writ petition is **dismissed**.

Order Date :- 26.10.2023

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