

Court No. - 36

Case :- WRIT - A No. - 17384 of 2023

Petitioner :- Sattar Khan

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Azhar Hussain, Byas Kumar Prasad

Counsel for Respondent :- C.S.C., Sunil Kumar Misra

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondent No. 1 and Mr. Sunil Kumar Misra, learned counsel appearing for the Respondent No. 2.

2. Learned counsel appearing for the petitioner has submitted that petitioner's services as Conductor were terminated vide order dated 31.07.1999 against which he preferred a representation under the regulations applicable to employees of the U.P.S.R.T.C. and said representation was rejected by the Regional Manager, Taj Depo, Agra vide order dated 26.02.2002. It has been further submitted that petitioner against the order dated 26.02.2002 has filed an appeal before the Respondent No. 2 but till date said appeal has not been decided.

3. Learned counsel appearing for the petitioner has argued that once appeal has been filed it is bounden duty of the Respondent No. 2 to consider and decide the said appeal within a reasonable period.

4. On the other hand, Mr. Sunil Kumar Misra, learned counsel appearing for the Respondent No. 2 has submitted that pleadings in the writ petition are absolutely vague and it does not come out as to under what provision appeal has been filed and whether such appeal is maintainable before the Respondent No. 2 or not.

5. I have considered the submissions advanced by the learned counsels appearing for the parties and I find that in the writ petition it has been stated that services of the petitioner were terminated vide order dated 31.07.1999 against which representation was filed and was rejected by the Regional Manager vide order dated 26.02.2002. Petitioner thereafter has filed an appeal before Respondent No. 2.

6. So far as the issue of maintainability of the appeal under the regulations before the Respondent No. 2 is concerned, it is always open for the Respondent No. 2 to consider the said issue while deciding the appeal.

7. Be that as it may, once the appeal has been filed it should have been decided by the Respondent No. 2.

8. In view of the aforesaid reasons, this writ petition is finally ***disposed of*** with a direction to Respondent No. 2 to consider and decide petitioner's appeal filed on 24.05.2002 if, it is available in the record before the Respondent No. 2 and is maintainable under the regulations. The aforesaid decision shall be taken in two months from the date of service of this order.

Order Date :- 8.11.2023

Gaurav