

Court No. - 34

Case :- WRIT - A No. - 18026 of 2023

Petitioner :- Rajesh Soni

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Kailash Singh Kushwaha

Counsel for Respondent :- CSC

Hon'ble Ajit Kumar,J.

1. Petitioner seems to have remained absent from duty while posted as Eye Examination Officer on attachment basis under Chief Medical Officer, Kanpur Dehat on medical ground for more than three years whereas he had a lien against the post in question under the Chief Medical Officer, Etawah. It is submitted by learned counsel for the petitioner that the petitioner though presented an application to resume duties in the year 2020 but till date that has not been granted and he continues to be without duty since 2016.

2. In the circumstances after attaining medical fitness, petitioner made a representation to the Director General, Medical and Health Services, U.P., Lucknow to permit him to resume his duties granting him necessary medical leave with respect to the period in question.

3. It transpires from the record that the Director General vide letter dated 11.03.2021 directed the Chief Medical Officer Etawah to submit a report.

4. Learned Standing Counsel for the State submits that since during the relevant period petitioner was posted under the Chief Medical Officer, Kanpur Dehat, therefore he may also be asked to submit report so that appropriate decision may be taken regarding condonation of period of absence from duty by granting medical leave or otherwise any extraordinary leave, if permissible in law.

5. Chief Medical Officer, Etawah has already submitted report on 24.08.2023.

6. In view of the above, this petition stands ***disposed of*** with direction to the Director General, Medical and Health

Services, U.P., Lucknow that besides considering the report of the Chief Medical Officer, Etawah dated 24.08.2023, he shall also call for report from Chief Medical Officer, Kanpur Dehat where the petitioner had been working on attachment basis. He shall also ensure that the report is submitted by the Chief Medical Officer, Kanpur Dehat within a period of six weeks of the direction being issued by him.

7. It is after receiving report from Chief Medical Officer, Kanpur Dehat, that the Director General, Medical and Health Services, U.P., Lucknow shall be taking appropriate decision in the matter within a maximum period of three months of production of certified copy of this order.

8. Decision to be taken by the Director General, Medical and Health Services, U.P., Lucknow shall be well informed one.

Order Date :- 27.10.2023

Deepika