

**Court No. - 34**

**Case :-** WRIT - A No. - 18523 of 2023

**Petitioner :-** Pramod Kumar Pandey

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Amit Kumar Singh

**Counsel for Respondent :-** C.S.C.

**Hon'ble Ajit Kumar,J.**

Heard learned counsel for the parties and perused the record.

Petitioner claims that the sealed cover procedure adopted by the respondents as far as the promotion of the petitioner is concerned on the post of Assistant Development Officer is not appropriate for the simple reason that the police has not been able to conclude its investigation in connection with Case Crime No.- 82-B of 2006 under Sections 409, 419, 420, 467, 468, 471, 218, 201, 120B/34 I.P.C. for the last more than 17 years.

Learned counsel for the petitioner submits that merely on the basis of the pending investigation in the criminal case such procedure should not have been adopted and the respondents, therefore, are requested to look into and consider the grievance of the petitioner raised in his application dated 29th September, 2023.

Learned Standing Counsel has obtained instructions in the matter which are taken on record and as per the instructions the only ground for adopting the sealed cover procedure was that police investigation was going on in a criminal case. He further submits that petitioner was not arrested only on account of interim order passed in Criminal Misc. Writ Petition No.- 3494 of 2017 dated 7th March, 2017 but I find that even that writ petition was disposed of and nothing restrained the police from submitting a report under Section 173(2) of Code of Criminal Procedure.

In view of the above, respondents are directed to look into and consider the grievance of the petitioner raised in his application/representation dated 29th September, 2023 for opening the seal cover for the purposes of promotion and grant provisional promotion subject to outcome of the police investigation in connection with the case crime number.

Appropriate order shall be passed by the competent authority within a period of six weeks from the date of production of certified copy of this order.

**Order Date :- 3.11.2023**

Atmesh