

Court No. - 34

Case :- WRIT - A No. - 19304 of 2023

Petitioner :- Pradeep Kumar

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Ganesh Shanker Srivastava, Vinod Kumar Maurya

Counsel for Respondent :- C.S.C., Rohit Pandey

Hon'ble Ajit Kumar, J.

1. Heard learned counsel for the petitioner, Ms. Shambhavi Tiwari, learned Advocate holding brief of Mr. Rohit Pandey, learned counsel for the respondent- University and learned Standing Counsel for the State-respondents.

2. Petitioner is a State government employee working as Chief Accounts Officer with the State Institute of Additional Management and Trainee (CMAT), Prayagraj and is seeking promotion to the next higher post of Finance Controller. However, he submits that while his juniors have been promoted under the orders dated 3.01.2022 and 06.10.2023 passed by the respondent no.2, petitioner's candidature has not been considered on the ground of pending departmental proceedings. He submits that as per relevant Rules, mere pendency of departmental proceedings cannot by itself be a ground to deny promotion to the petitioner or at least seal cover procedure ought to have been adopted. He submits that in above regard, he has already represented the matter to the competent authority namely respondent No.2 on 06.01.2022 and 17.10.2023.

3. Learned Standing Counsel submits that no relief as such can be granted to the petitioner unless and until the orders dated 03.01.2022 and 06.10.2023, which are impugned here in this petition, whereby juniors to the petitioners have been promoted, are quashed.

4. At this stage, learned Advocate appearing for the petitioner submits that petitioner does not wish to press prayer no.(ii) of the writ petition wherein writ of *certiorari* has been prayed for in respect of the orders dated 03.10.2023 and 06.10.2023.

5. In view of the above, therefore, writ petition stands withdrawn

in respect of prayer no.(ii). However, in so far as representation of the petitioner is concerned, that is directed to be disposed of by the competent authority within a period of sixty days from the date of presentation of certified copy of this order after giving opportunity of hearing to all the concerned parties including the petitioner. The order sought to be quashed by prayer no.(ii) shall abide by the decision of the authority.

Order Date :- 22.11.2023

P Kesari