

Court No. - 34

Case :- WRIT - A No. - 19285 of 2023

Petitioner :- Manoj Kumar Gautam

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

Counsel for Petitioner :- Nitin Chandra Mishra,Nandlal

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

1. Heard learned counsel for the parties.
2. By means of this petition, petitioner has challenged the order dated 25.09.2023 whereby he has been imposed with minor penalty of adverse entry in the service record coupled with recovery of amount of Rs.3,95,150/-.
3. Learned Standing Counsel submits that petitioner has efficacious alternative remedy of appeal under the UP Government Servant (Discipline and Appeal) Rules, 1999 and therefore, petitioner should have availed remedy of appeal first.
4. Learned counsel for the petitioner could not dispute the aforesaid legal position.
5. In view of the above, I decline to entertain this petition at this stage. However, liberty rests with the petitioner to file an appeal before the appellate authority and along with that an application for stay shall also be filed in respect of the recovery order that is impugned here in this petition.
6. It is provided that if such an application along with statutory appeal is filed within four weeks from today, the stay application shall be first considered and disposed of within a week's time and then appeal be decided within next two months' time.
7. With the aforesaid observations and directions, this petition is disposed of.

Order Date :- 22.11.2023

P Kesari