

Court No. - 34

Case :- WRIT - A No. - 20316 of 2023

Petitioner :- Kamal Agrawal

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

Counsel for Petitioner :- Prabhakar Sinha

Counsel for Respondent :- C.S.C

Hon'ble Ajit Kumar,J.

1. Heard learned counsel for the parties.
2. By means of this petition filed under Article 226 of the Constitution of India, petitioner seeks direction in the nature of mandamus to the appellate authority, namely, respondent no.2-Engineer-in-Chief (Parikalp and Niyojan) Public Work Department, Lucknow to decide the pending departmental appeal of the petitioner dated 28.08.2023.
3. Further prayer has been made to direct the respondent no.2 to consider the petitioner's promotion for the post of Administrative Officer with effect from 27.09.2023 and also a prayer has been made for direction to the respondents for payment of arrears of salary for the period petitioner has been under suspension.
4. Learned Standing Counsel on the contrary submits that once the appeal has been preferred against the suspension order which is a composite order by which the petitioner has been denied arrears of salary for the period he has remained under suspension and also an adverse entry has been awarded without setting aside the order of suspension, it would be appropriate that the direction be issued for disposal of appeal at first instance may be in time bound period.
5. In view of the above, this writ petition stands **disposed of** with direction to the respondent no.3 to decide the pending statutory departmental appeal of the petitioner dated 28.08.2023 strictly in accordance with law, by following the procedure prescribed for, as expeditiously as possible preferably within a period of two months of production of certified copy of this order.

Order Date :- 7.12.2023

Deepika