

Court No. - 8

Case :- WRIT - A No. - 28022 of 2019

Petitioner :- Somendra Kumar Diwakar And Anr.

Respondent :- State Of U.P.Thru Prin.Secy.Medical And Health Services And Ors.

Counsel for Petitioner :- Suresh Sharma

Counsel for Respondent :- C.S.C.,Ravi Shanker Tiwari

Hon'ble Dinesh Kumar Singh,J.

1. Heard Sri Suresh Sharma, learned counsel for the petitioners and Sri Jagdish Singh Yadav, learned Standing Counsel.

2. The present writ petition under Article 226 of the Constitution of India has been filed seek quashing of the orders dated 23.10.2018 and 27.2.2019, whereby the petitioners' claim for salary for the period of their absence has been rejected.

3. Earlier, the petitioners have approached this Court by filing Writ Petition No.22699 (SS) of 2018. The said writ petition was finally disposed of vide order dated 9.8.2018. The operative portion of the order dated 9.8.2018 would read as under:-

"In view of the above, it is provided that in case the petitioner submits a representation within a week from today before the respondent no. 4 then the competent authority shall endeavour to decide the same by means of a reasoned and speaking order within a further period of four weeks from the date of receipt of a certified copy of this order along with representation.

With the aforesaid direction, writ petition is disposed of."

4. As per the impugned orders, the petitioners did not work from 1.11.2016 to 9.12.2016 and no record of their working was available as the petitioners did not sign the register. However, the petitioners claimed that they had worked. This is a disputed question of fact, which cannot be decided by this Court in Writ jurisdiction. In view thereof, I do not find any ground to interfere with the impugned orders.

5. Writ petition being devoid of merit and substance, is hereby ***dismissed***. Interim order, if any, stands vacated.

Order Date :- 13.7.2023

Rao/-