

Court No. - 8

Case :- WRIT - A No. - 3172 of 2023

Petitioner :- Bhanu Pratap

Respondent :- State Of U.P. Thru. Prin. Secy. Finance, Civil Sectt. Lko. And 3 Others

Counsel for Petitioner :- Ranvijay Singh

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Mr. Ranvijay Singh, learned counsel for the petitioner, as well as Mr. Uttam Kumar Srivastava, learned Standing Counsel, for the respondents-State Authorities.

2. The petitioner has filed this petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus commanding respondents to take a decision on recommendation of the departmental promotion committee for promotion of the petitioner on the post of routine grade clerk/junior clerk/junior assistant in accordance with U.P. Treasury Clerical Grade Service Rules, 1978.

3. The petitioner's case for promotion from Class-IV post to the post of junior treasury clerk was considered by the departmental promotion committee, which had recommended for his promotion on 21.06.2021. Despite the said recommendation, the promotion has not been granted to the petitioner till date.

4. Mr. Uttam Kumar Srivastava, learned Standing Counsel, has received written instructions and submitted that as the post, against which the petitioner's case for promotion was recommended by the departmental promotion committee, is not clearly vacant inasmuch as the government had passed order dated 26.02.2019 for reverting the assistant treasury accountants to the post of junior assistant/junior clerk and, therefore, the formal promotion order could not be issued to the petitioner.

5. Mr. Ranvijay Singh, learned counsel for the petitioner, however, submits that the said order passed by the government for reversion was put to challenge before this Court and this Court quashed the said order passed by the government, reverting the assistant treasury accountants. The State had filed special appeal which has also been dismissed. It is, therefore, submitted that the posts are vacant, however, the department is

not promoting the petitioner, which is in violation of the statutory rules.

6. Considering the aforesaid submission, the respondents are directed to issue promotion order, as per recommendation of the departmental promotion committee dated 21.06.2021, if he is found suitable/eligible for promotion. Necessary compliance of this order be made within four weeks from today.

7. ALLOWED.

[D.K. SINGH, J.]

Order Date :- 24.5.2023

MVS/-