

Court No. - 8

Case :- WRIT - A No. - 3780 of 2023

Petitioner :- Manish Kumar Yadav

Respondent :- State Of U.P. Thru. Prin. Secy. Lucknow And 3 Others

Counsel for Petitioner :- Anand Singh Pawar, Ramesh Singh

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh, J.

1. Heard learned counsel appearing for the petitioner and Sri Yogendra Nath Verma, learned Standing Counsel appearing for the State.

2. Present petition under Article 226 of the Constitution of India has been filed seeking a writ of mandamus commanding the respondents to open the sealed cover envelop of the petitioner and consider him giving adhoc promotion on the post of Inspector for which the D.P.C. was concluded on 06.05.2022 but petitioner's case was kept in a sealed cover on the ground that the petitioner was facing a criminal case registered at Case Crime No.245 of 2012 under Sections 498A, 323, 506 IPC, 3/4 Dowry Prohibition Act, Police Station Kotwali Dehat, Distirct Etah in which charge-sheet had been filed, however, final decision in the case has not been rendered by the trial court till date.

3. Petitioner's case for promotion, therefore, was kept in sealed cover on 06.05.2022 in pursuance to the para 10 of the Government Order dated 28.05.1997, which provides that if the decision on the criminal case does not come within one year, the employee in respect of whom the sealed cover is adopted because of the pendency of the criminal case, would be considered for giving *ad hoc* promotion after a period of one year from the date of sealed cover procedure adopted in respect of his promotion.

4. Order dated 28.10.2022 issued by the S.S.P. District Badaun itself would disclose that petitioner's case for giving him *ad hoc* promotion would be considered after 06.05.2023. Since petitioner's case for giving him *ad hoc* promotion pending criminal trial in respect of Case Crime No.245 of 2012 (supra) is still pending, I direct respondent Nos.2 and 3 to take a decision for giving the petitioner *ad hoc* promotion in pursuance to the Government

Order dated 28.05.1997 within a period of four weeks from the date a certified copy of this order along with appropriate application is placed before respondent No.2.

5. With the aforesaid observation/direction, the petition stands **disposed of**.

(Dinesh Kumar Singh, J.)

Order Date :- 22.5.2023
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