

Court No. - 8

Case :- WRIT - A No. - 3921 of 2023

Petitioner :- Lav Kumar Tiwari

Respondent :- State Of U.P. Thru. Prin. Secy./ Addl. Chief Secy., Deptt. Of Home, Lko. And 4 Others

Counsel for Petitioner :- Brijesh Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Sri Brijesh Kumar Yadav, learned counsel appearing for the petitioner and Ms. Deepshikha, learned Chief Standing Counsel appearing for the State.

2. This is 3rd writ petition filed by the petitioner.

3. The petitioner was granted compassionate appointment vide order dated 12.07.2007 on the post of Constable under The U.P. Recruitment of Dependents of Government Servants Dying in Harness Rules, 1974 after death of his father, Late Jagannath Prasad Tiwari on 17.03.2023, who was working on the post of Sub-Inspector in U.P. Civil Police.

4. The petitioner was dismissed from service vide order dated 31.03.2010. The petitioner challenged the said dismissal order by filing Writ Petition No.3500(SS) of 2010 before this Court.

5. This Court vide judgment and order dated 14.09.2010 allowed the said Writ Petition No.3500(SS) of 2010 filed by the petitioner and quashed the order of dismissal dated 31.03.2010. This Court also gave a direction to the Superintendent of Police, Hardoi to reinstate the petitioner on the post of Constable, however, it was open for the Superintendent of Police, Hardoi to proceed with the matter as per the law and before taking any action, the petitioner would be afforded due opportunity.

6. It appears that the petitioner was reinstated in service on 27.01.2011. The petitioner was proceeded with the departmental proceedings again in pursuance to the liberty granted vide judgment and order dated 14.09.2010, and he was dismissed from service on 16.03.2012.

7. The petitioner filed Writ A No.6117 of 2022 after a lapse of 10 years from the date, when he was dismissed from service. This court disposed of the said writ petition permitting the petitioner to make a fresh representation

before the Superintendent of Police, Hardoi raising his grievance, annexing therewith copy of the writ petition along with annexures and all the documents in support of his claim within a period of 2 months from the date of the order, and Superintendent of Police, Hardoi was directed to decide the representation in accordance with law by a reasoned and speaking order within a period of 2 months.

8. Representation of the petitioner has been decided vide impugned order dated 29.04.2023 by Superintendent of Police, Hardoi wherein it has been said that the petitioner was removed from the service vide order dated 15.03.2012 and the petitioner did not file any appeal or revision against the order of removal dated 16.03.2012, therefore, there was no ground to reinstate the petitioner in service.

9. I am of the view that the view taken by the learned Superintendent of Police while rejecting the representation of the petitioner is wholly justified and impugned order does not require any interference by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

10. This petition fails and is hereby ***dismissed***.

(Dinesh Kumar Singh, J.)

Order Date :- 24.5.2023
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