

Court No. - 8

Case :- WRIT - A No. - 3915 of 2023

Petitioner :- Prem Narayan Pandey

Respondent :- State Of U.P. Thru. Prin. Secy./ Addl. Chief Secy., Deptt. Of Home, Lko. And 3 Others

Counsel for Petitioner :- Brijesh Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel appearing for the petitioner and Ms Deepshikha, learned Chief 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 seal cover of the petitioner in respect of his promotion to the post of Inspector from Sub-Inspector for which the DPC was held on 06.05.2022.
3. Seal cover procedure has been adopted as the petitioner is facing a criminal case registered against him at Case Crime No.218 of 2013 under Sections 364, 223 IPC, Police Station Wazirganj, District Lucknow.
4. Learned counsel appearing for the petitioner submits that said criminal case is yet to get finalized. However, in the meantime, DPC for promotion to the post of S.I. was held on 06.05.2022, and the result of the DPC was kept in a sealed cover because of the pending criminal case against him.
5. Ms. Deepshikha, learned Chief Standing Counsel on the basis of Government Order dated 28.05.1997 submits that if the criminal proceedings do not get finalized within a period of one year from the date of DPC, the seal cover can be opened and the employee can be promoted on *ad hoc* basis.
6. As stated criminal proceedings are yet to get over and it has been more than one year since the DPC was held on 06.05.2022 for promotion to the post of S.I., considering the stand and taking into consideration the provisions of Government Order dated 28.05.1997, present petition is **disposed of** with a direction to the respondents to open the seal cover of the

petitioner in respect of his promotion in pursuance to the DPC, which was held on 06.05.2022 and if he is found fit for promotion, he should be given promotion on ad hoc basis as per the Government Order dated 28.05.1997.

(Dinesh Kumar Singh, J.)

Order Date :- 24.5.2023
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