

Court No. - 8

Case :- WRIT - A No. - 4295 of 2023

Petitioner :- Chandra Prakash Tiwari

Respondent :- State Of U.P Thru. Its Addl. Chief Secy. Home Civil Sectt Lko And 4 Others

Counsel for Petitioner :- Sajjad Husain

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Mr. Sajjad Husain, learned counsel for the petitioner, as well as Mr. Vikas Singh, learned Standing Counsel, representing respondents-State Authorities.

2. The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus/direction to the respondents-Authorities to promote him from the post of Sub-Inspector to the next post of Inspector from the date his junior, Dharmendra Kumar Gautam got promoted.

3. Earlier, the petitioner approached this Court by filing Writ-A No.6744 of 2022. The Coordinate Bench of this Court disposed of the said writ petition vide judgment and order dated 12.10.2022, operative part of which would read as under:-

"Accordingly, without entering into the merits of the case, the petition is disposed of finally with a direction to opposite party No.5 i.e. Additional Director General (Establishment), 9th Floor, Tower-2, Gomti Nagar, Lucknow to consider and decide petitioner's representation dated 6.8.2022, contained in Annexure No.6 to the writ petition, expeditiously, say within a period of 8 weeks from the date of presentation of a certified copy of this order, in accordance with law by passing a reasoned and speaking order and communicate the same to the petitioner as well."

4. Pursuant to the said direction issued by this Court regarding fixing of seniority of the petitioner, vide order dated 17.01.2023, the petitioner's seniority has been fixed below

Jasveer Singh and above Dharmendra Kumar Gautam.

5. On behalf of the petitioner, it is submitted that Dharmendra Kumar Gautam, who is immediate junior to the petitioner, got promoted. It is further submitted that the criteria for promotion to the post of Inspector from the post of Sub-Inspector is seniority subject to rejection of unfit. The learned counsel for the petitioner is, however, unable to point out the promotion rule under which a Sub-Inspector gets promoted to the post of Inspector on the basis of seniority subject to rejection of unfit.

6. Be that as it may, respondent nos. 2 to 5 are directed to consider claim of the petitioner for promotion to the post of Inspector from the date his immediate junior, Dharmendra Kumar Gautam got promoted with all consequential benefits. This consideration should be given within a period of two months from the date certified copy of this order is produced/submitted.

7. DISPOSED OF.

[D.K. SINGH, J.]

Order Date :- 31.5.2023

MVS/-