

Court No. - 8

Case :- WRIT - A No. - 15297 of 2019

Petitioner :- Paras Nath Singh

Respondent :- State Of U.P.Thru Addl.Chief Secy. Institutional Financeandors

Counsel for Petitioner :- Birendra Kumar Yadav,Satendra Jaiswal

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Shri Birendra Kumar Yadav, learned counsel for the petitioner and Shri Amar Bahadur Singh, learned Standing Counsel appearing for the State-respondents.

2. The present petition under Article 226 of the Constitution of India has been filed seeking following reliefs:-

"1) To issue, a writ, order or direction in the nature of Certiorari quashing the impugned order dated 07.03.2019 contained as Annexure No.1 to the writ petition and recommendation of Departmental Promotional Committee after summoning the minutes of D.P.C. in the interest of justice.

2) To issue, a writ order or direction in the nature of Mandamus commanding the opposite parties to consider and grant promotion to the petitioner on the post of Deputy Commissioner, Commercial Tax, from the date of junior promotion order dated 10.07.2017 ignoring the effect of censure entry dated 13.04.2015 in the light of the Government Orders dated 30.10.1986, 30.06.1993 and 06.04.1999 alongwith all consequential service benefits including arrears of salary etc. in the interest of justice.

3)...

4)..."

3. Shri Birendra Kumar Yadav, learned Counsel for the petitioner submits that the effect of censure entry would be the date of incident and not the date of award of the censure entry. He further submits that since junior to the petitioner got promoted in the year 2017, the petitioner ought to have been promoted in the year 2017 ignoring the censure entry which was awarded to him in the year 2015 after the conclusion of disciplinary proceedings initiated against him.

4. Such a contention of learned Counsel for the petitioner is to be rejected at the threshold. The censure entry will have its effect from the date of award and it cannot relate back to the date of incident. The

said censure entry will survive for five years thereafter, the petitioner's case for promotion shall be considered.

5. In view thereof, I find no merit and substance in the present petition, which is hereby **dismissed**.

(Dinesh Kumar Singh, J.)

Order Date :- 7.7.2023

Piyush/-