

Court No. - 8

Case :- WRIT - A No. - 9284 of 2019

Petitioner :- Ashok Kumar Singh

Respondent :- State Of U.P. Thru Prin. Secy. Stamp And Registration And Ors.

Counsel for Petitioner :- Prabhaat Kumar Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. No one appears on behalf of the petitioner, however, Shri Tushar Verma, learned Additional Chief Standing Counsel appearing for the State-respondents is present to assist the Court.

2. The present petition under Article 226 of the Constitution of India has been filed in the year 2019 for following prayers:-

"(a) issue a writ, order or direction in the nature of mandamus commanding the opposite parties to treat the petitioner regularly appointed w.e.f. 06.04.1991, pay annual increments and promotion/financial up gradation on completion of requisite years of service and also to revise the pensionary benefits including pension on the basis of revision of pay scale and to pay arrears thereof alongwith interest @ 12% per annum.

(b) issue a writ, order or direction in the nature of mandamus commanding the opposite parties particularly Opposite party No.1 to consider and decide the representation of the petitioner, contained in Annexure No.20, in accordance with law by passing a reasoned and speaking order within a time frame to be fixed by this Hon'ble Court under intimation to the petitioner.

(c) issue such other writ, order or direction, which may be deemed just and proper in the circumstances of the case and;

(d) all the writ petition with costs."

3. Two further prayers came to be incorporated by way of amendment which are as under:-

"(e) to issue, a writ, order or direction in the nature of certiorari quashing the order dated 23.03.2009, contained in the Annexure No.11, passed by Additional Inspector General (Registration) (Administration), Uttar Pradesh, Lucknow with all benefits of service.

(f) to issue a writ order, or direction in the nature of mandamus commanding the opposite parties to grant the selection grade, Ist promotional pay scale, IInd promotional pay scale and IIIrd

*ACP on completion of requisite years of service by counting the
ad hoc services rendered by the petitioner from 06.03.1984 to
05.05.1991."*

4. The order sheet would disclose that after filing the present petition, the petitioner has been seeking adjournment on one pretext or the other. On 04.04.2019, learned Counsel for the petitioner prayed and was allowed a week's time to file amendment application. On 15.04.2019 the said amendment application was allowed. On 06.01.2023, learned Counsel for the petitioner sought adjournment on the ground of his ill health. On 19.01.2023, learned Counsel for the petitioner again sought adjournment on the ground of his ill health.

5. Considering the series of adjournment sought on each and every date, this Court on 25.05.2023 directed to list this petition in the next cause list, peremptorily as learned Counsel for the petitioner again sought adjournment on the said date.

6. Today also, despite the matter being listed peremptorily, learned Counsel for the petitioner has again made a request for adjourning the matter on the ground of his ill health. Such a request made by learned Counsel for the petitioner cannot be accommodated at this stage.

7. It appears that either the petitioner or his counsel has lost interest in prosecuting the present petition, therefore, the same is hereby **dismissed** for non prosecution.

8. Interim order, if any, stands vacated.

(Dinesh Kumar Singh, J.)

Order Date :- 6.7.2023

Piyush/-