

Court No. - 20

Case :- WRIT - A No. - 6780 of 2023

Petitioner :- Akhilendra Pratap Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Public Works Deptt. U.P.
Civil Sectt. Lko. And 3 Others

Counsel for Petitioner :- S M Singh Royekwar, Sumeet Tahilramani

Counsel for Respondent :- C.S.C., Anuj Singh, Neel Kamal Mishra

Hon'ble Manish Mathur, J.

1. Rejoinder affidavit filed today in Court is taken on record.
2. Heard Mr. S M Singh Royekwar, learned counsel for petitioner, learned State Counsel appearing on behalf of opposite parties no.1 and 2 and Mr. Upendra Nath Mishra, learned Senior Counsel assisted by Mr. Neel Kamal Mishra, learned counsel appearing for opposite party no.4.
3. In view of order being proposed to be passed, notices to opposite party no.3 stand dispensed with.
4. Petition has been filed challenging order dated 30.08.2023 whereby petitioner has been directed to discharge his duties as Chief Engineer with opposite party no.2 i.e. the U.P. State Highways Authority on transfer by deputation.
5. Learned counsel for petitioner has submitted that petitioner has less than two years to superannuate and is therefore covered in terms of paragraph 5(vi) of the Government Order dated 07.06.2023 whereby an option was required to be taken from him prior to transferring him from his earlier place of posting.
6. For the said grievance, petitioner submits that he may be granted liberty to file a representation before authority concerned which may be decided in terms of the aforesaid provisions.
7. Learned counsel for opposite parties do not have any objection with regard to aforesaid submission.
8. Considering innocuous prayer being made by learned counsel for petitioner and without entering into the merits of the case petitioner is granted liberty to file a fresh representation before opposite party No.1 i.e. Principal Secretary, Public Works Department, Government of U.P Civil Secretariat, Lucknow within the period of three days seeking benefit of paragraph 5 (vi) of the Government Order dated 07.06.2023. In case such a representation is filed within the aforesaid period, the same

shall be considered and decided in view of aforesaid paragraph 5 of the Government Order dated 07.06.2023 within a period of ten days from the date a certified copy of this order is produced before the said authority.

9. Till decision on petitioner's representation, he shall not be compelled to join at the place of posting.

10. With the aforesaid observation, petition stands **disposed of**.

Order Date :- 12.10.2023

Subodh/-