

Court No. - 20

Case :- WRIT - A No. - 7840 of 2023

Petitioner :- Mukesh Chandra Pno. No. 050480210

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Home, Govt. U.P. Lucknow And 4 Others

Counsel for Petitioner :- M.P. Raju

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.
2. Petition has been filed seeking a direction to opposite parties to relieve petitioner in pursuance of transfer order dated 17.08.2022 and order dated 23.12.2022.
3. It has been submitted that other persons indicated in transfer list had filed WRIT - A No. - 5292 of 2023 which was allowed vide order dated 16.08.2023 and therefore petitioners are also entitled to benefit of same.
4. Learned State Counsel submits that he has not yet been provided any instructions in the matter.
5. The order passed in WRIT - A No. - 5292 of 2023 is as follows:-

"Heard learned counsel for petitioners and learned State Counsel appearing on behalf of opposite parties.

Petition has been filed seeking a direction to opposite parties to relieve petitioners in pursuance of transfer order dated 17.08.2022, semi government order dated 23.12.2022 and circular dated 10.07.2023.

It has been submitted that petitioner no.1 (Prabhakar Singh Yadav) was transferred from Lucknow Head Office to Lucknow Rural, petitioner no.2 (Deep Chand) transferred from Lucknow Head Office to District Bareilly, petitioner no.3 (Kapil Rana) transferred to Lucknow Head Office to Commissionerate, Gautam Budh Nagar and petitioner no.4 (Dharmendra) transferred from Lucknow Head Office to Commissionerate, Lucknow on the basis of compassionate ground.

It is submitted that despite aforesaid transfer orders having been issued, relieving orders pertaining to petitioners have not been issued till date despite directions for same dated 10.07.2023 (Annexure No.3).

Learned State Counsel on the basis of written instructions dated 29.07.2023 has submitted that transfer order dated 17.08.2022 is still subsisting and has not been recalled, withdrawn or modified till date and relieving orders are being issued on the basis of seniority.

Considering the fact that the transfer order dated 17.08.2022 has been passed pertaining to petitioner on compassionate grounds and is yet subsisting, opposite parties are directed to ensure relieving of petitioners in pursuance of the said transfer orders within a period of one week from the date a certified copy of this order is produced before concerned authority.

In view of aforesaid, petition succeeds and is allowed. Parties to bear their own costs."

6. From a perusal of material on record, it appears that orders in the present petition as well as the one, benefit of which was being claimed in WRIT - A No. - 5292 of 2023 are the same.

7. In view of aforesaid, the petition is allowed.

8. Petitioner shall also be granted the same benefit as has been passed vide order dated 16.08.2023 in WRIT - A No. - 5292 of 2023.

Order Date :- 10.10.2023
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