

**Court No. - 7**

**Case :-** WRIT - A No. - 7911 of 2023

**Petitioner :-** Shri Mahesh Kumar Gupta

**Respondent :-** State Of U.P. Thru. Prin. Secy. Deptt. Home Lko. And 7 Others

**Counsel for Petitioner :-** Atharva Arya

**Counsel for Respondent :-** C.S.C., Rajesh Tewari

**Hon'ble Abdul Moin, J.**

1. Heard Sri Rakesh Kumar Verma, learned counsel for the petitioner, learned Standing counsel appearing on behalf of the respondents no. 1, 2, 4 & 5 and Sri Dilip Singh, Advocate holding brief of Sri Rajesh Tiwari, learned counsel appearing on behalf of the respondents no. 3, 6, 7 & 8.

2. With the consent of learned counsel appearing on behalf of the contesting parties, the instant writ petition is being finally decided.

3. Instant writ petition has been filed praying for a direction to the competent authority to decide the review petition filed by the petitioner. A further prayer is for a mandamus commanding the respondents to decide the representation of the petitioner.

4. The contention is that against the order of punishment against which the appeal had been rejected, the petitioner has filed a review which is still pending for consideration. Further, it is contended that initially the respondents had granted balance of 50 percent of salary from the date of suspension which order has been recalled against which the petitioner has submitted his representation and hence the petition.

5. Responding to that, Sri Dilip Singh, Advocate holding brief of Sri Rajesh Tiwari, learned counsel appearing on behalf of the respondents no. 3, 6, 7 & 8 states that the review petition of the petitioner has already been rejected and a formal order in this regard would be served upon the petitioner within ten days from today. The aforesaid statement of Sri Dilip Singh, Advocate holding brief of Sri Rajesh Tiwari, learned counsel appearing on behalf of the respondents no. 3, 6, 7 & 8 is recorded.

6. So far as the representation against the order by which fifty percent salary paid to the petitioner earlier has been withdrawn as the representation is pending for consideration before the respondent no. 8 as such, the writ petition is disposed of with the direction to the respondent no. 8 to consider the representation of the petitioner dated 05.08.2023, a copy of which is annexure 9 19 to the writ petition in accordance with law and pass a reasoned and speaking order upon the same within a period of two months from the date of receipt of a representation along with certified copy of this order.

**Order Date :- 12.10.2023**  
Pachhere/-