

Court No. - 20

Case :- WRIT - A No. - 8186 of 2023

Petitioner :- Om Prakash Pno. No. 822100878

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

Counsel for Petitioner :- Ravindra Kumar Shukla

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 consider petitioner in continuous service with effect from 21.11.1982 and to provide him all due service benefits. A further prayer for revision and re-fixation of salary and for release of arrears of service benefits have also been made.
3. It has been submitted that initially petitioner was appointed on post of Constable on 22.11.1982 whereafter he was dismissed from service on 28.11.1987 which was affirmed in Appeal whereafter petitioner filed Writ Petition no.2630(S/S) of 1990 which was partly allowed vide judgment and order dated 22.05.2008 quashing orders dated 28.11.1987 and 31.05.1988 with further direction to opposite parties for initiating enquiry proceedings *de novo* against petitioner. It was also directed that aforesaid proceedings shall be completed preferably within a period of six months from the date a certified copy of said order was produced whereafter he was issued a show cause notice on 16.11.2009, which was challenged in WRIT - A No. - 7980 of 2010, which was dismissed by means of judgment and order dated 25.04.2023.
4. It is submitted that in aforesaid judgment, it has been indicated that subsequent to *de novo* proceedings, fresh penalty order was passed against petitioner imposing minor penalty and

withholding salary of 111 days on the basis of 'No work, No pay'.

5. It is therefore submitted that since the initial order has already been quashed by this Court and thereafter only a minor penalty has been imposed upon petitioner, he is entitled for aforesaid benefits.

6. For the said grievance, petitioner has already submitted a representation dated 31.07.2023 before the authority concerned. At present, learned counsel for petitioner restricts prayer with regard to final decision on the same.

7. Considering the innocuous prayer, without entering into merits, opposite party no.2 i.e. Chairman, Uttar Pradesh Police Recruitment and Promotion Board, Lucknow is directed to consider and decide representation of petitioner dated 31.07.2023 expeditiously within a period of six weeks from the date a copy of this order is produced before authority concerned along with a copy of said representation.

8. With aforesaid observations and directions, the petition is finally **disposed of**.

Order Date :- 19.10.2023

kvg/-