

Court No. - 7

Case :- WRIT - A No. - 8456 of 2023

Petitioner :- Shashank Dutt Dwivedi

Respondent :- State Of U.P. Thru. Prin. Secy. Lok Nirman
Vibhag Lko. And 2 Others

Counsel for Petitioner :- Nikita Mishra, Shashank Mishra

Counsel for Respondent :- C.S.C., Prashant Arora

Hon'ble Abdul Moin, J.

Heard learned counsel for the petitioner, learned Standing Counsel for respondents no.1 and 3 and Sri Prashant Arora, learned counsel for respondent no.2.

With the consent of learned counsel for the parties the writ petition is being finally decided.

Learned counsel for the petitioner after arguing at some length states that by means of the order impugned dated 24.02.2022, a copy of which is Annexure-1 to the writ petition, one increment of the petitioner had been withheld for a period of one year.

Reliance has been placed on the Government Order dated 06.05.2022 more particularly Clause 3.4 to contend that the said penalty would only be applicable for a period of one year and would not be applicable with respect to selections/promotions which are made in the next selection year.

The contention is that now the respondents are proceeding to convene a DPC for considering the promotions to the next post and it is prayed that the respondents may also consider the claim of the petitioner for promotion in the said DPC considering the Government Order dated 06.05.2022.

Responding to that learned counsel for respondent no.2 on the basis of instructions states that the order dated 24.02.2022 by which one increment has been withheld has only been withheld for a period of one year and consequently considering the Government Order dated 06.05.2022 the respondents would consider the claim of the petitioner for promotion to the next higher post.

Keeping in view the aforesaid, the writ petition is **disposed of** leaving it open to the respondents to consider the claim of the petitioner for the next promotional post in view of the

Government Order dated 06.05.2022 and the fact that the order of punishment dated 24.02.2022 was a minor penalty only for a period of one year as stated by learned counsel appearing for respondent no.2.

Order Date :- 1.11.2023

A. Katiyar