

Court No. - 20

Case :- WRIT - A No. - 8565 of 2023

Petitioner :- Krishna Murari Yadav

Respondent :- State Of U.P. Thru. Prin. Secy. Sehkarita Deptt. And 4 Others

Counsel for Petitioner :- O.P. Tiwari

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 challenging order dated 26.07.2023 whereby petitioner working on post of Junior Assistant at Lucknow has been attached to Raebareli.
3. It has been submitted that aforesaid attachment order has been passed merely to avoid the conditions pertaining to transfer of an employee as envisaged under Government Order dated 07.06.2023. It is submitted that in case there was some requirement for petitioner to work in Raebareli, he could very well have been transferred in pursuance of aforesaid Government Order but for no reason he has been attached. It is also submitted that there are two posts of Junior Assistants in Raebareli and both are already occupied and therefore, also there was no occasion for petitioner to have been attached.
4. Learned State Counsel on the basis of instructions however submitted that petitioner has been attached in view of extra work required in District Raebareli and has been done in terms of requisition made by the competent authority at Raebareli. It is also submitted that impugned order is clearly within the executive domain as per discretion of appointing authority.
5. After arguing at some length, learned counsel for petitioner submits that against impugned order, he has already submitted a

representation but seeks liberty to file a fresh representation before the authority concerned. At present, learned counsel for petitioner restricts prayer with regard to final decision on the same.

5. Considering the innocuous prayer, without entering into merits, liberty is granted to petitioner to file a fresh representation before opposite party no.2 i.e. Commissioner and Registrar, Co-operative Societies U.P., Lucknow who shall consider and decide the same within a period of six weeks from the date a certified copy of this order is produced before the said authority along with fresh representation.

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

Order Date :- 18.11.2023

kvg/-