

Court No. - 20

Case :- WRIT - A No. - 8734 of 2023

Petitioner :- Rajesh Kumar Srivastava

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Medical And Health Services Civil Sectt. Lko And 6 Others

Counsel for Petitioner :- Sanjay Kumar Srivastava, Akshat Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur, J.

1. Heard learned counsel for the petitioner and learned State Counsel for the opposite parties.

2. On 07.11.2023, the following order had been passed:-

"1. Heard learned counsel for the petitioner and learned State Counsel for the opposite parties.

2. This petition has been filed challenging the order dated 15th September, 2023, whereby the petitioner has been directed to be absorbed from the office of Chief Medical Officer, Amethi in the 200 beds District Hospital Referral Tiloi, Amethi.

3. It has been submitted that the petitioner is substantively appointed as Senior Clerk in the Medical and Health Department and by means of the impugned order has been directed to be absorbed in the aforesaid hospital, which comes under the Department of Medical Education. It is submitted that a reading of the impugned order will make it evident that the same is neither in the nature of transfer or even deputation and, therefore, there is no occasion for the opposite parties to have passed an order requiring his absorption.

4. In view of aforesaid submission, learned State Counsel is granted two weeks' time to file short affidavit.

5. List on 30th November, 2023 as fresh. "

3. Learned counsel for the petitioner has submitted a copy of the order dated 08.11.2023, which is taken on record, who submits that the order under challenge in this petition has been impliedly withdrawn with petitioner being absorbed and being placed in his present place of posting, i.e, Amethi.

4. Learned State Counsel has also been provided written instruction which is also taken on record and reiterates the same.

5. In view of the aforesaid, no further cause of action survives, therefore, the petition is consigned to record with no adverse effect to benefit granted to the petitioner.

6. Petition is **disposed of** accordingly.

Order Date :- 30.11.2023

Manoj K.