

Court No. - 20

Case :- WRIT - A No. - 9093 of 2023

Petitioner :- Dr. Smriti Singh Vimal

Respondent :- State Of U.P. Thru. Prin. Secy. Labour Section-6, Deptt. Lucknow And 3 Others

Counsel for Petitioner :- Rohitash Kumar Singh, Kapil Dev Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties.
2. Under challenge is the order dated 26th October, 2023 whereby petitioner's representation for couple posting has been rejected.
3. It has been submitted that earlier petitioner had been transferred from district Barabanki to district Meerut vide order dated 28th June, 2023 which was challenged in writ petition No. 4936 of 2023 and was disposed of vide order dated 13th July, 2023 directing opposite parties to consider petitioner's grievance.
4. In pursuance thereof, petitioner's representation was rejected vide order dated 1st August, 2023 which was again challenged in Writ A No. 7564 of 2023 and was allowed by means of judgment and order dated 5th October, 2023 directing the concerned authority to re-visit the earlier order and decide the petitioner's representation afresh.
5. It is submitted that by means of impugned order, petitioner's representation has again been rejected but only on the ground that in terms of the government order dated 7th June 2023, it is now only the minister concerned who can pass appropriate orders on petitioner's representation.
6. It is submitted that in case the concerned authority was relying upon the aforesaid government order to state that petitioner's representation could be decided only by the minister concerned, he should have forwarded the same for consideration of minister instead of rejecting petitioner's representation on that ground.
7. From a perusal of impugned order, it does appear that petitioner's representation has been rejected only on the ground that after 30th June, 2023, the same can be decided only by the

minister concerned in terms of government order dated 7th June, 2023.

8. In such circumstances in the considered opinion of this Court, once the concerned authority was of the opinion that petitioner's representation was required to be decided by minister concerned, there was no occasion to reject the representation and instead should have forwarded the same to the minister concerned.

9. Considering aforesaid facts and circumstances, opposite party No.2 i.e. Director, Employees State Insurance Scheme, Labour Medical Services, U.P., Kanpur is directed to forward petitioner's representation dated 9th October, 2023 for consideration of the minister concerned, who shall consider and decide the same expeditiously ignoring the impugned order dated 26th October, 2023 and considering the observations made by this Court in its judgment and dated 5th October, 2023.

10. With the aforesaid directions, the petition stands disposed of.

Order Date :- 24.11.2023

prabhat