

Court No. - 22

Case :- WRIT - A No. - 9319 of 2023

Petitioner :- Dr. Shyam Bihari Upadhyay

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Affairs Lko. And 6 Others

Counsel for Petitioner :- Shireesh Kumar,Utkarsh Kumar

Counsel for Respondent :- C.S.C.,A.S.G.I.

Hon'ble Manish Kumar,J.

1. Heard learned counsel for the petitioner as well as learned State Counsel and perused the record.

2. At the very outset, learned counsel for the petitioner has submitted that the petitioner does not want to press the prayer relief no.2 in the present writ petition at this stage.

3. The prayer no.2 of the instant writ petition is quoted herein-below:-

(ii) issue a writ order or direction in the nature of mandamus commanding the opposite parties to forthwith fix the pay of the petitioner to the post of Director, Forensic Science Laboratory, U.P., Lucknow, according to Rule 22-C of the Financial Hand Book, Vol.-II, Part-II to IV by adding the increments already earned by him and release the arrears of salary in favour of the petitioner.

4. After arguing at some length, the learned counsel for the petitioner has confined his prayer to the effect that the respondent no.1/State may be directed to pass a final order for concluding the pending inquiry instituted against the petitioner vide orders dated 24.04.2014 and 04.09.2017, within the shortest possible time as may be specified by this Court; it is further prayed that a direction may be issued to the opposite parties to forthwith release the provisional pension in favour of the petitioner according to Regulation 919-A of Civil Service Regulation till the finalisation of final pension and other post-retiral benefits.

5. It is further submitted that the petitioner has compulsorily been retired from service vide order dated 19.12.2017 against which the claim petition is pending before the U.P. State Public Service Tribunal.

6. The learned State Counsel has no objection to the prayer

made by the learned counsel for the petitioner as mentioned above.

7. On the request of learned counsel for the petitioner as mentioned in Para-4 above, without entering into the merits of the case, the present writ petition is disposed of finally with a direction to the respondent no.1/State to pass a final order concluding the inquiry pending against the petitioner within a period of three months and communicate the orders passed to the petitioner. It is further provided that the petitioner may make a representation to the opposite parties for payment of provisional pension within a period of two weeks and the same shall be decided within the period of six weeks therefrom.

Order Date :- 6.12.2023

Manoj K.