

Court No. - 20

Case :- WRIT - A No. - 9454 of 2023

Petitioner :- Ajay Kumar li

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Appointment Civil Sectt. Lko And 2 Others

Counsel for Petitioner :- Abhinav Trivedi

Counsel for Respondent :- C.S.C., Raj Kumar Upadhyaya (R.K.Upadhyaya)

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner, learned State Counsel appearing on behalf of opposite parties no.1 and 2 and Mr. R.K. Upadhyay, learned counsel appearing on behalf of opposite no.3.

2. Petition has been filed seeking following reliefs:

"i. Issue a writ, order or direction in the nature of Mandamus thereby directing the Opposite Party No.2 to pass an Order for Confirmation of the Petitioner as Tehsildar in view of recommendations available with the Board of Revenue.

ii. Issue a writ, order or direction in the nature of Mandamus thereby directing the Opposite Parties to consider the claim of the Petitioner for promotion as Deputy Collector for the Selection Year 2022-2023 from the date when his juniors have been promoted on 26.10.2023 with all consequential benefits.

iii. Any other order or direction may be passed which this Hon'ble Court may deem fit in the circumstances of the case.

iv. To pay the cost of the Writ Petition."

3. It has been submitted that earlier petitioner was recruited directly on the post of Naib Tehsildar for the selection year 2013 and was thereafter substantively promoted as Tehsildar on 05.09.2019 but confirmation was not accorded in view of pending departmental proceedings, which too attained finality on 20.10.2023 exonerating petitioner.

4. It is further been submitted that since petitioner was exonerated in the departmental proceedings, he was required to be confirmed on the post of Tehsildar in view of earlier promotion. It has also been submitted that subsequently on 18.10.2023 as implemented on 26.10.2023, a Departmental Promotion Committee was held for considering promotion on the post of Deputy Collector but petitioner's case was not considered therein on account of the aforesaid facts. It is submitted that once petitioner was exonerated in the

departmental proceedings, prior to implementation of recommendation of Departmental Promotion Committee for petitioner to have been confirmed on the post of Tehsildar and considered thereafter for promotion on the post of Deputy Collector since his junior have been so promoted alongwith all consequential benefits.

5. For the aforesaid grievance, petitioner has already submitted a representation but seeks liberty to file fresh representation before competent authority. At present learned counsel for petitioner restricts his prayer for a final decision with regard to same.

6. Considering innocuous prayer being made by learned counsel for petitioner and without entering into the merits of the case petitioner is granted liberty to file a fresh representation which shall be decided in accordance with law with opposite party No.2 i.e. Chairman and Secretary, Board of Revenue, U.P. Lucknow and subsequently opposite party no.1 i.e. Additional Chief Secretary, Department of Appointment, Government of U.P., Civil Secretariat, Lucknow with regard to aforesaid prayer within a period of eight weeks from the date a certified copy of this order is produced before the said authority.

7. With the aforesaid observation, petition stands **disposed of**.

Order Date :- 13.12.2023

Subodh/-