

Court No. - 20

Case :- WRIT - A No. - 9499 of 2023

Petitioner :- Vidya Sagar Verma Pno.No. 962110061

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Lko. And 2 Others

Counsel for Petitioner :- Shashank Pandey,Ram Charitra Pandey

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

Hon'ble Manish Mathur,J.

Heard Mr. Ram Charitra Pandey, learned counsel for petitioner, learned State Counsel appearing on behalf of opposite parties 1 and 2 and Mr. R.K. Upadhyaya learned counsel for opposite party No.3.

Petition has been filed seeking a direction to the opposite parties to treat punishment order dated 31.03.2023 pertaining to the year 2012 for that very year only and not to treat it for purposes of promotion of petitioner to be considered in the year 2023-2024.

It has been submitted that a punishment order dated 31.03.2023 was awarded to petitioner although the same pertained to the incident relating to 2012 and therefore the said punishment is required to be treated as a punishment order for the year 2012 and not for the year 2023-2024 particularly since petitioner is coming within the zone of eligibility for consideration for promotion on the post of Deputy Superintendent of Police.

Learned counsel has placed reliance on a Division Bench judgment of this Court passed in the case of State of U.P. and another versus Pramod Kumar Tewari and another, Writ A No. 1766 of 2023 to submit that such an entry although passed in the year 2021 is required to relate back to the year of incident in 2009 and therefore should be ignored for the purposes of promotion of petitioner in the year 2021.

For the aforesaid grievance, the petitioner has already submitted a representation but seeks liberty to file a fresh representation particularly since the departmental promotion committee is due to be held in the year 2023-2024.

Mr. R.K. Upadhyaya learned counsel for opposite party No.3 on the basis of instructions admits that departmental promotion committee is due to be held in the next year.

Considering innocuous prayer being made by learned counsel

for petitioner and without entering into the merits of the case, opposite party No. 3 i.e. Secretary, Uttar Pradesh Public Service Commission, Prayagraj is directed to consider candidature of petitioner for promotion on the post of Deputy Superintendent of Police scheduled to be held in the year 2023-2024 granting benefit in the judgment referred to herein above in case said judgment is applicable upon the petitioner and in case petitioner is otherwise eligible.

This order shall be communicated by learned counsel for opposite party No.3 to the concerned authority.

With the aforesaid observations, the writ petition stands **disposed of**.

Order Date :- 14.12.2023

Subodh/-