

Court No. - 20

Case :- WRIT - A No. - 9962 of 2023

Petitioner :- Devendra Kumar

Respondent :- State Of U.P. Thru. Prin. Secy. P.W.D. Lko

Counsel for Petitioner :- Shireesh Kumar,Utkarsh Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties.

Petition has been filed seeking a direction to the opposite parties to consider his candidature for promotion on the post of Superintending Engineer at par with persons who have already been provided such benefit and were junior to him. Further prayer for ignoring the order dated 21st June, 20213 whereby final penalty was imposed upon him has also been sought.

It has been submitted that as per government order dated 27th September, 2019, procedure for consideration of promotion has been indicated on a marking basis.

It is also submitted that in terms of U.P. Promotion by Selection (on post outside the purview of public service commission) Eligibility Rules 1986 provides that recruitment year in any particular calendar year is to be treated from Ist July of that year and therefore since punishment order was passed in June, 2013 it is liable to be ignored while considering petitioner's promotion in the recruitment year 2023 which is due to start from Ist July, 2023.

After arguing at some length learned counsel for petitioner seeks liberty to withdraw this petition in order to avail alternative remedy of filing a claim petition before U.P. State Public Services Tribunal.

In view of aforesaid, petition is dismissed as withdrawn with aforesaid liberty.

It is also directed that in case such a claim petition is filed, the same shall be considered and decided expeditiously without granting any undue adjournments to either parties.

Order Date :- 22.12.2023

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