

Court No. - 6

Case :- WRIT - A No. - 12339 of 2024

Petitioner :- Ashwani Kumar Pandey

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Agricultural Lko. And 3 Others

Counsel for Petitioner :- Jay Prakash Singh

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard Sri Jay Prakash Singh, learned counsel for the petitioner as well as learned Standing Counsel for the respondents.

2. Grievance raised by the petitioner in the present writ petition is with regard to order dated 11.11.2024, passed by the Cane Commissioner, Cane Development and Sugar Industry, U.P. Lucknow where while deciding representation of petitioner against order of attachment, it has been provided that attachment of the petitioner has been terminated and he has been posted against vacant post in Bareilly.

3. Brief facts of the case as narrated by the petitioner are that certain disciplinary proceedings were initiated against petitioner at the time when he was posted in the Office of District Cane Officer, Ayodhya in 2020. During initiation of disciplinary proceedings the petitioner was initially attached to the office of District Cane Officer, Ballia and subsequently by order dated 20.01.2023 he was attached in the office of Deputy Cane Commissioner, Bareilly. The inquiry proceedings concluded in favour of petitioner as none of charges levelled against him can be proved and the inquiry proceedings were dropped by order dated 23.01.2024, passed by the Cane Commissioner.

4. After conclusion of disciplinary proceedings against petitioner, he filed writ petition seeking Court's interference in the order of attachment inasmuch as disciplinary proceedings stood concluded. The petitioner had approached this Court by filing Writ Petition No. 4697 of 2024, which was disposed of by means of order dated 11.06.2024, directing the Cane Commissioner to consider and decide petitioner's representation expeditiously.

6. It is in compliance of directions of this Court dated 11.06.2024, that the impugned order dated 11.11.2024 has been

passed terminating petitioner's attachment and giving him regular posting against vacant post in Bareilly region. While passing order dated 11.11.2024, grievance of petitioner against order of attachment stood satisfied, but his grievance that he has been posted 700Km away from his home still remains.

7. After arguing the matter up to some length it is submitted by learned counsel for the petitioner that grievance of petitioner shall be substantially redressed in case respondent no. 2 - Cane Commissioner, Cane Development and Sugar Industry, U.P. Lucknow is directed to consider and decide his representation for transferring him to any place close to his home town.

8. Though we are conscious of the fact that petitioner is a Government servant who is liable to serve any where in the State of U.P., but, in case any Government servant has any grievance he has right to make representation before competent authority who shall consider and decide the same.

9. Accordingly, without entering into the merit of controversy, liberty is granted to the petitioner to move appropriate representation against his posting before respondent no. 2 - Cane Commissioner, Cane Development and Sugar Industry, U.P. Lucknow, within next two weeks. In case any such representation is made by the petitioner, respondent no. 2 shall proceed to consider and decide the same expeditiously, say within six weeks from the date of receipt of representation, in accordance with law by means of reasoned and speaking order and communicate the decision to the petitioner.

10. With above directions the writ petition stands **disposed of**.

Order Date :- 18.12.2024

A. Verma

(Alok Mathur, J.)