



2026:AHC:86752

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 5517 of 2026

Sachin Kumar And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Seemant Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. Heard Shri Seemant Singh, learned counsel for the petitioners and learned Standing Counsel for the State-respondents.

2. The present writ petition has been filed by the petitioners inter-alia with the following prayers:-

"i Issue a writ, order or direction in the nature of mandamus directing the Engineer-in-Chief (Mechanical) and Head of Department, Irrigation and Water Resources Department, U.P., Lucknow to consider the promotion of petitioners on the post of Junior Engineer (Mechanical) in pursuance of the notification dated 07.04.2025 issued by the Senior Staff Officer-(E-11) on behalf of the Engineer-in-Chief (Mechanical) and Head of Department, Irrigation and Water Resources Department, U.P., Lucknow while working on the post of Senior Assistant in their respective circles under the Superintending Engineer of the concerned Circles in the State of Uttar Pradesh within stipulated period of time as fixed by this Hon'ble Court."

3. It is argued that earlier writ petition being Writ A No. 19500 of 2023 was filed by the 5 persons headed by Chandan Kumar Verma, which are similarly situated as the present petitioners. The said writ petition was finally disposed of by the Coordinate Bench of this Court vide judgment and order dated 22.10.2024, which reads as follows:-

"Heard Shri Mithilesh Kumar Tiwari, learned counsel for the petitioners and learned Standing Counsel for the State-respondents."

Present petition has been filed seeking following relief:-

"(i) Issue a writ, order or direction in the nature of mandamus commanding respondent no. 2 to consider the promotion of the petitioners for the post of Junior Engineer (Mechanical) under 10% quota in view of Rule 5(3) r/w Rule 8 of U.P. Irrigation Department Mechanical Engineers (Subordinate) Service Rules, 1992 within stipulated period."

The petitioners are currently working on Class-III posts. They have claimed promotion to the post of Junior Engineer (Mechanical) against 10% quota of promotion from the cadre of employees of the department. The petitioners submit that they are fully eligible to be promoted as per the governing service rules.

Learned Standing Counsel submits that the process of scrutinizing the service records and eligibility of the petitioners and similarly situated candidates is already underway. The petitioners shall be considered for promotion after such exercise is completed. Further in his usual fairness, he submits that the respondent authorities are under an obligation of law to consider the case of all eligible candidates for promotion within a reasonable period of time and not keeping pending indefinitely.

Learned counsel for both the parties agree that the writ petition may be heard and disposed of finally.

No useful purpose would be served by keeping this writ petition pending. With the consent of parties, the writ petition is being disposed of finally.

The matter is remitted to the respondent no. 2-Engineer-in-Chief (Mechanical), Irrigation and Water Resources Department, U.P., Lucknow.

A writ in the nature of mandamus is issued commanding the respondent no. 2-Engineer-in-Chief (Mechanical), Irrigation and Water Resources Department, U.P., Lucknow, to execute the following direction:

The respondent no.2-Engineer-in-Chief (Mechanical), Irrigation and Water Resources Department, U.P., Lucknow, shall consider the case of the petitioners for promotion to the post of Junior Engineer (Mechanical),

preferably within period of six months from the date of production of certified copy of this order.

With the aforesaid direction, the writ petition is disposed of finally. "

4. When the aforesaid judgment was not complied with, the petitioners preferred an contempt application being Contempt Application (Civil) No.2130 of 2025, in which the following order was passed:-

"1. Affidavit dated 13.10.2025 filed by Engineer-in-Chief (Mechanical), Irrigation & Water Resources Department, U.P. Lucknow indicates that 61 applications were submitted in respect of promotion to be carried out to the post of Junior Engineer (Mechanical) out of which 31 certificates were verified and diploma course applications are still to be considered in the meeting.

2. This Court finds that the order of writ Court is dated 22.10.2024 and more than one year has elapsed and the time period fixed by the writ Court has also expired but the opposite party had failed to comply the order and consider the candidature of applicant alongwith other candidates for promotion to the post of Junior Engineer (Mechanical) within the time fixed by the writ Court. According to the affidavit the applications are still in process for consideration.

3. Prima facie the officer concerned is in contempt of Court. He is granted two weeks' time to explain his conduct and comply the order of writ Court dated 22.10.2024. In case a suitable reply is not received by the next date, the Court will be compelled to frame contempt charges against the officer concerned.

4. List after two weeks. "

5. In the aforesaid contempt application, affidavit dated 13.10.2025 was filed by the Engineer in Chief (Mechanical) in which it is stated that out of 61 applications submitted in respect of promotion to be carried out to the post of Junior Engineer (Mechanical) 31 certificates were verified and diploma course applications are still pending consideration.

6. It is argued that in the list of 31 candidates names of the petitioner

which also included. Relevant portion of which reads as follows:-

"As a matter of fact that 61 persons had submitted their applications for being promoted to the post of Junior Engineer (Mechanical) out of which the certificates relating to diploma in Mechanical Engineering were duly verified from the concerned institutes from where those 31 candidates had obtained their Diploma in Mechanical Engineering in which petitioners are also included."

7. It is argued that though the persons who approached the earlier by filing writ petition before this Court as quoted above, order of promotion has been passed in their favour on 20.01.2026 by the respondent no.3 but though the petitioners are on the same footing, the promotional order was not passed in their favour for the reasons best known to the respondents.

8. On the other hand, it is argued by the learned Standing Counsel that in case the petitioner will approach the respondent no.3, he will take a decision in the matter, expeditiously.

9. In the facts and circumstances of the case and also in the interest of justice, the present writ petition is **disposed of finally** permitting the petitioners to move a fresh representation ventilating all their grievances before the respondent no.3 namely Engineer-in-Chief (Mechanical) Irrigation and Water Resources Department, U.P., Lucknow within a period of **three weeks** from today along-with certified copy of this order. In case any such representation is filed by the petitioners before the respondent no.3 within the time indicated hereinabove, he is directed to do the needful in the matter as per procedure prescribed in law most expeditiously and preferably within a period of **six weeks** from the date of filing of such representation by the petitioners before him.

10. It is made clear that this Court has not adjudicated the case on merits. It is upon respondent no.3 to pass order after considering the relevant Rules as well as facts of the case.

(Prakash Padia,J.)

April 20, 2026

Swati