HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 34009 of 2008

Hari Shankar Khare And Another

.....Petitioner(s)

Versus

State Of U.P. Thru Secy. Finance Deptt. And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	M.S. Pandey, Suraj Pandey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 34
(Sl. No. 20)

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri Suraj Pandey, learned counsel for the petitioners and Sri Jai Singh Chandel, learned Standing Counsel for the State.

2. The instant writ petition has been filed with the following prayers:-

" (i) issue a writ, order or direction in the nature of certiorari to call for records of the case and quash the impugned orders dated 11.10.2004 and 3.3.2008 passed by the respondent no. 2 (Annexure Nos. 4 and 8).

(ii) issue a writ, order or direction in the nature of mandamus directing the respondents to provide the same benefits of seniority and promotion for the post of Assistant Treasury Officer/ Sub Treasury Officer/ Account Officer with pay scale form the date before junior Surendra Kumar Upadhyaya (respondent no. 6) to the petitioners from time to time."

3. The instant writ petition was filed by the two petitioners namely Hari Shanker Khare, petitioner no. 1 and Uday Prakash petitioner no. 2. List revised. None appears on behalf of the petitioner no. 2. Sri Suraj Pandey, advocate appears for petitioner no. 1. In such view of the matter, the instant petition, on behalf of the petitioner no. 2, is **dismissed for want of prosecution.**

4. Briefly stated facts of the case with regard to the petitioner no. 1 is that the petitioner no. 1 was appointed on the post of Assistant Syaha Navish/ Treasury Clerk on 6.2.1971 and the respondent no. 6, herein,

was appointed on the post of Assistant Syaha Navish/ Treasury Clerk on 14.1.1971. In the year 1974, the District Jhansi was bifurcated and consequently respondent no. 6 was transferred to District Lalitpur, however,the petitioners, herein, remain in District Jhansi. The claim for promotion of the petitioners as well as of the respondent to the post of Sub Treasury Officer was considered on the basis of district-wise seniority, whereas in District Lalitpur,the respondent no. 6 was found senior and he was given promotion, however, petitioners remain in District Jhansi and could not be promoted. Therefore, the representations were made by the petitioners, claiming seniority over the respondent no. 6, who was transferred to District Lalitpur. Their claim was initially rejected vide impugned order dated 11.10.2004 passed by the Director Treasury, U.P. Lucknow. Thereupon, another representation was made on behalf of the petitioners on 6.11.2007, which was again rejected vide order dated 3.2.2008, stating therein that since the respondent no. 6 was transferred to District Lalitpur and his seniority was required to be considered district-wise, consequently, the petitioners could not be promoted, whereas, respondent no. 6 who was transferred to District Lalitpur and was senior in the District-wise seniority list, was promoted and consequently the claim of the petitioners was rejected, whereas the petitioners, herein, do not opt for transfer to District Lalitpur and continued in District Jhansi.

5. In such view of the matter, they could not be promoted prior to respondent no. 6, although they were senior in District Jhansi. Since in the seniority list which was prepared District-wise, their candidatures for promotion was to be considered District-wise. In such view of the matter, this Court do not find any illegality in the impugned order, whereby the representations of the petitioners were rejected and they cannot claim any parity with the transferred employee of another District.

6. In such view of the matter, the instant writ petition is **dismissed.**

(Anish Kumar Gupta,J.)

November 2, 2026
n.u.

Digitally signed by :-
NASEEM UDDIN
High Court of Judicature at Allahabad