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Deputy Registrar (M)

May kindly see the order dated 25.05.2015(Flagged 'A') of the learned Registrar General passed on the office note dated 30.03.15 in the matter of the resignation of Km. Sonal Pandeya, Judicial Magistrate, Hardoi from U.P. Judicial Service for fulfilling the marital obligations. The order of the learned Registrar General runs as under:-

*"Put up with fresh note in light of letter of resignation dt.03.08.12 considering-----"*

(A) *It is for resignation from service.*

(B) *Period of notice should be counted as per rules."*

In this regard, it is submitted that earlier ~~earlier~~ vide endorsement no.1783/1-27-12 dated 03.08.12 (Flags 'B'), the District Judge, Hardoi forwarded the application of resignation dated nil of Km. Sonal Pandeya in which She has stated that her marriage has been fixed recently and She has to join her husband for fulfilling her marital obligations. She has further stated that as her husband resides outside of this country, it is difficult for her to continue her employment in Uttar Pradesh Nyayik Sewa.

In this connection, it is also pertinent to mention here that the provisions contained in Rule (4) and (5) of the U.P. Government Servants' Resignation Rules, 2000 (Flags 'X') is as follows:-

(4) Notice of Resignation- (1) A Government servant may resign from his service by giving three months notice in writing.

(2) The notice of resignation shall be-

(i) voluntary and unconditional;

(ii) addressed to the appointing authority under intimation to the authority under whom the said Government servant is working at the time of tendering resignation.

Provided that it shall be open to the appointing authority to allow a Government servant to resign without any notice or by a shorter notice.

(5) "Acceptance or refusal of resignation.- (1) *The resignation of the Government Servant shall not be effective unless it is accepted by the appointing authority and formal order is issued thereof. The Appointing Authority may, in his discretion, refuse to accept the resignation, if-*

(i) *the Government servant owes to the Government any sum of money and/or any other liability unless the amount due has been paid or the liability discharged.*

or

(ii) *the Government servant is under suspension,*

or

(iii) *any inquiry is contemplated or pending against him,*

or

(iv) *Investigation, inquiry or trial relating to criminal charge is pending and such charge is connected with his official position as the Government Servant."*

(2) *The appointing authority shall, as far as possible take decision on the request of resignation before the expiry of the period of notice.*

As per the above-mentioned rule, vide Court's letter dated 20.09.2012 (Flags 'C'), the District Judge, Hardoi was requested to ask Km. Sonal Pandeya to send the modified application in prescribed manner as the said application contained the following shortcomings which runs as under:-

1. Km. Sonal Pandeya had addressed her resignation to Registrar General, High Court, Allahabad whereas as per rule applications should be addressed to the appointing authority i.e. His Excellency the Governor of Uttar Pradesh, Lucknow (U.P) under intimation to the authority under whom the said Government servant is working at the time of tendering resignation.
2. The provision contains that an officer have to give three months prior notice whereas Km. Sonal Pandeya had requested for only one months notice, which is also not entertainable.
3. Her application of resignation should be voluntary and unconditional.

4. Moreover, Km. Pandeya had also not mentioned the date of resignation on which she wanted to resign from the service of U.P. Nyayik Sewa.

Through the above-mentioned Court's letter dated 20.09.12, the District Judge, Hardoi was requested to remove the above-mentioned objections and send the application/resignation in prescribed manner, for taking necessary action but since then no reply with regard to the application/resignation in prescribed manner has been received to this Court till date.

Thereafter, vide Court's Reminder letter dated 03.02.15 (Flags 'D'), the District Judge, Hardoi was again requested to provide the requisite papers as required in the above-mentioned Court's letter in response to which the District Judge, Hardoi vide his letter dated 28.02.15 has provided the report that Smt. Sonal Pandeya has not joined her duty since 04.08.12 and so the directions given by the Hon'ble High Court has been issued to her through Registry letter. He further informed that the Registry was served through A.D. but Smt. Sonal Pandeya has not contacted to the D.J., Office at all.

Subsequently, vide office note dated 30.03.15, the current status of the matter as furnished by the District Judge, Hardoi was put up before the learned Registrar General, for awaiting the resignation in the proper format of Smt. Sonal Pandeya, for taking further necessary action in the matter. On which, after considering the facts and circumstances, the learned Registrar General passed the above-mentioned quoted order dated 25.05.15 placed at **Flagged 'A'**.

As per information received from office of Special Officer (Vigilance) (Flag 'E'), O.S.D. (Enquiry) (Flag 'F'), O.S.D. (Enquiry Vigilance) (Flag 'G') and Confidential Section (Flag 'H') of the Court, no enquiry is pending against Km. Sonal Pandeya, Judicial Magistrate, Hardoi.

In this connection, it is pertinent to mention here that as per the rule, the power regarding acceptance or refusal has vested in the appointing authority and in this case, the appointing authority is Government of U.P., thus, it seems proper that the application of Km. Sonal Pandeya, for resignation from U.P. Judicial Service

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alongwith the information that no enquiry is pending against her, is forwarded to the Government for necessary action.

In the facts and circumstances mentioned above, May deem fit and proper, the file may be laid before Hon'ble the Chief Justice, for His Lordship's kind perusal and order to the effect that a copy of application dated 03.08.12(Flags 'B') of Km. Sonal Pandeya, Judicial Magistrate, Hardoi alongwith the information that no enquiry is pending against her and the period of notice should be counted as per the rules, may be sent to the Special Secretary, Appointment Section-4, Government of U.P., Lucknow, for necessary action in the matter of resignation of Km. Sonal Pandeya, Judicial Magistrate, Hardoi from U.P., Judicial Service w.e.f. the date of application under the provision contained in U.P. Government Servants' Resignation Rules, 2000 under intimation to the Court?

A°

*Prabhat*  
26.05.15

*[Signature]*  
26/05/15

**Senior Registrar (Judicial)(Budget)**

Submitted for kind perusal and if approved by Learned Registrar General the file may kindly be laid before Hon'ble the Chief Justice for His Lordship's kind perusal and orders as proposed at 'A' above.

*P.M.*  
26-05-2015  
1/c D.R. (Misc.)

**Registrar General**

May like to peruse above office note, If approved, the file may kindly be placed before Hon'ble the Chief Justice for kind perusal and orders as proposed at 'A' above

**Hon'ble the Chief Justice**

*[Signature]*  
27.3.15  
Senior Registrar (Budget)

Submitted for kind perusal and approval as proposed at 'A' above.

*[Signature]*  
27.5.15  
Registrar General

**Sr. Reqr. (B)**

DR(M)

A approved  
*[Signature]*  
28/5/2015

*[Signature]*  
R.G.  
28.5.15

S.O(Adm A-1)

*[Signature]*  
Sr. Reqr (B)  
28.5.15

*[Signature]*  
29/05/15

*[Signature]*  
Sr. DR(M)  
29.5.15