

2322

Urgent

Request 87

457/PB  
11/1/18

R-274/18

(8)

**Deputy Registrar(M)**

May kindly see letter dated 28.12.2017(at flag 'A') accompanied with resignation notice dated 28.12.2017(at flag 'B') of Sri Shailendra Sachan, Metropolitan Magistrate, Court no. 6, Kanpur Nagar(presently undergoing training at JTRI, Lucknow), received vide endorsement dated 29.12.2017 of the Director, Judicial Training & Research Institute, Lucknow, requesting therein to relieve him from U.P.Judicial Services with effect from 31.01.2018 in lieu of his final selection into U.P.H.J.S Exams-2016, after serving prescribed notice period of one month in accordance with Rule - 3 of The U.P. Temporary Government Servants(Termination of Service) Rules, 1975.

Earlier also, Sri Shailendra Sachan had written letter dated 01.12.2017(at flag 'C') to same effect but since resignation notice was not in accordance with U.P. Government Servants' Resignation Rules, 2000, Court's letter dated 18.12.2017(at flag 'D') was issued.

Vide aforesaid resignation notice(flagged as 'B') Sri Shailendra Sachan has stated that initially he had joined U.P.Nyayik Sewa as Additional Civil Judge(Junior Division), Kanpur Nagar in light of Appointment Notification No. 5/2016/638/II-4-2016-32(2)/2015 dated 22.12.2016. Before joining U.P.Nyayik Sewa, he had appeared in U.P.H.J.S (Direct Recruitment) Examination-2016 and has been declared successful in the final result declared on 18.08.2017. He has further stated that with respect to same, he had already intimated Hon'ble Court vide letter dated 01.09.2017(at flag 'E') as well as expressed his willingness to resign from U.P.Nyayik Sewa, in case of his final selection into U.P.H.J.S(DR)Exam-2016.

Further, he has stated that he wishes to join U.P.H.J.S after resigning from U.P. Nyayik Sewa. Also, he has requested His Excellency, the Governor of U.P, Lucknow to accept his resignation and relieve him from present service wef 31.01.2018, after serving one month notice period in accordance with Rule - 3 of The U.P. Temporary Government Servants (Termination of Service) Rules, 1975.

In this context it is submitted that as Sri Shailendra Sachan had appeared for U.P.H.J.S Examination before entering into U.P.Nyayik Sewa thus there was no point of obtaining prior permission from the Hon'ble Court. It is further submitted that as Sri Shailendra Sachan recently entered into U.P.Judicial Services(i.e on 13.01.2017), the nature of his employment is still that of a temporary employee and is not entitled to hold any lien with U.P.Judicial Services.

In this respect it is further submitted that although resignation requests are usually carried out in accordance with U.P. Government Servants' Resignation Rules, 2000(at flag 'F') but since Sri Shailendra Sachan is still a temporary employee, he has requested to be relieved from present service in accordance with Rule - 3 of The U.P. Temporary Government Servants(Termination of Service) Rules, 1975 which **provides as quoted here under as well as placed at flag 'G' :**

3. *Termination of service : (1) .....the services of a Government Servant in temporary service shall be liable to termination at any time by notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant.*

(2) *the period of notice shall be one month*

*Provided further that it shall be open to the appointing authority to relieve a Government servant without any notice or accept notice for a shorter period, without requiring the Government servant to pay any penalty in lieu of notice.*

Further, as per reports(placed at flag 'H', 'I', 'J', 'K' & 'L') obtained from concerned departments, there is no departmental/vigilance enquiry pending

P.O.

Res 87

against Sri Shailendra Sachan, Metropolitan Magistrate, Kanpur Nagar.

In instant matter, since the appointing authority is the Government of U.P, request regarding resignation/relieving from present service has to be sent to Government for necessary orders.

In the view of above submitted facts and information, if approved by Learned Registrar General, the matter may be placed before Hon'ble the Chief Justice for His Lordship's kind perusal and order to the effect that letter dated 28.12.2017, Resignation notice dated 28.12.2017 & earlier letter dated 01.12.2017 (flagged as 'A', 'B' & 'C' respectively), alongwith its enclosures, of Sri Shailendra Sachan, Metropolitan Magistrate, Court no. 6, Kanpur Nagar as well as aforesaid information about nature of his employment, desired date of relieving etc. may be sent to the Special Secretary, Appointment Section-4, Government of U.P, Lucknow for obtaining necessary orders in instant matter ? Also, copy of same may be forwarded to the District Judge, Kanpur Nagar and concerned officer for information and necessary action ?

yes

Thank you  
11/01/18  
R.O.  
11.1.185.0.  
OK. Tushar  
11.01.18  
A.R.  
Registrar (J) (B)

Information to JTRI (P)

may like to place the file before Learned Registrar General for kind perusal placing the same before Hon'ble the Chief Justice for His Lordship's kind perusal and approval as proposed at A-2

DR  
11/1/2018

hd Registrar General

submitted for kind perusal and order

REC'D  
11/01/18

Hon'ble the Chief Justice

Submitted for kind perusal and orders.

Signature of Registrar General

Registrar General

Signature of Chief Justice

CHIEF JUSTICE

Registrar (B)

DR(M)

9/18/18  
Registrar (B)

So Admin A-2

DR  
18/1/2018

Mrs. Panti  
OK  
18-01-18

Signature of Registrar (B)  
RG  
18.1.18