

(13)

Request-78

Assistant Registrar, Admin. (A-I)

Reference order dated 14.12.2009 of the Learned Registrar General, passed on office note dated 11.12.2009 of the Section officer, Litigation Cell, for providing the facts and material in connection with Writ Petition No. 67222 of 2009, Sanjay Kumar Singh and others Vs High Court of Judicature at Allahabad and others, placed below at flag 'A'.

In the aforesaid writ petition the matter for counting of previous services of three Judicial Officers viz. Sri Sanjay Kumar Singh, Civil Judge, Junior Division, Tanda, Ambedkar Nagar, Sri Arvind Kumar Yadav, Civil Judge, Junior Division, Chunar, Mirzapur, and Sri Vijay Bahadur Yadav, Civil Judge, Junior Division, Etawah have involved. Sri Sanjay Kumar Singh joined the U.P. Nyayik Sewa on 17.06.2006, Sri Arvind Kumar Yadav joined the U.P. Nyayik Sewa on 15.06.2006 and Sri Vijay Bahadur Yadav joined the U.P. Nyayik Sewa on 22.06.2006. Prior to appointment in U.P. Nyayik Sewa Sri Sanjay Kumar Singh served in Police Department as Sub Inspector from 10.09.2001 to 16.06.2006, Sri Arvind Kumar Yadav served as Auditor in the Office of the District Audit Officer, Co-operative Societies and Panchayat w.e.f. 21.12.2004 to 14.06.2006 and Sri Vijay Bahadur Yadav served as Assistant Prosecution Officer w.e.f. 01.11.1998 to 21.06.2006.

The aforesaid three officers have made representations in different dates for counting of their previous services with the U.P. Nyayik Sewa. After obtaining orders from the nominated Judge Hon'ble Mr. Justice Ashok Bhushan on the office note dated 03.07.2007, 29.09.2008 and 06.01.2009 (flagged **B, C and D**), The matter of counting of previous Services were forwarded to the Joint Secretary Appointment Section-4 Government of U.P. Lucknow through the Court's letters No.10238/IV-3210/Admin.(A) dated 01.08.2007, No.13692/IV-3329/Admin.(A) Dated 25.10.2008 and 1853/IV-3370/Admin.(A) Dated 07.02.2009 (flagged **E, F and G**) for obtaining necessary orders in the matters. The Government of U.P. have declined the request of Sri Sanjay Kumar Singh, Sri Arvind Kumar Yadav and Sri Vijay Bahadur Yadav through their letter dated 28.10.2009, 10.06.2009 and 30.07.2009 (flagged **H, I and J**).

In the para 8 of the Writ petition it is mentioned that on identical facts and circumstances as well as on same footing one Sri Avadhesh Pandey who was also state employ^{ee} carrying pensionable post alike the petitioners before joining his Judicial Service and belonging to the same batch of the petitioners, also represented to the State Government for treating him pensionable post of Judicial service, on that the State Government issued an order dated 12.01.2008 and upheld his claim of service for pensionable post of judicial service but in the case of petitioners the State Government adopted double standards and discriminated^{ed}. The copy of Government order dated 12.01.2008 is at Flag 'K'.

In this connection it may be submitted that in the aforesaid writ petition the following five respondents

1. Hon'ble High Court of Judicature at Allahabad through the Registrar General.
2. State of U.P. through its Special Secretary U.P., Lucknow.
3. State of U.P. through its Secretary finance U.P. Lucknow.
4. State of U.P. through its Secretary Karmik Anubagh, Lucknow.

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5. The Director, Pension Directorate 8th Floor Indra Bhawan, Lucknow.

In this connection may also be submitted that the Court has simply forwarded the representations for counting of previous services of Sri Sanjay Kumar Singh, Sri Arvind Kumar Yadav and Sri Vijay Bahadur Yadav to the Joint Secretary, Appointment Sec.-4, Government of U.P., Lucknow for obtaining the necessary orders and the Government have issued orders dated 28.10.2009, 10.06.2009 and 30.07.2009 through which the petitioners have aggrieved and filed the aforesaid writ petition.

The Government of U.P. have fully acquainted with the rules on which the representations of counting of previous services of Sri Sanjay Kumar Singh, Sri Arvind Kumar Yadav and Sri Vijay Bahadur Yadav have been declined. The Government of U.P. is in the better position to defend the aforesaid writ petition.

If approved by the Learned Registrar General, the copy of instant note along with its enclosure may be sent to the O.S.D. Litigation for information and necessary action?

'A'

REGISTRAR (B)

submitted for kind perusal and orders for onwards submission as proposed at 'A' above?

P.K. Srivastava

11-01-2010

Prakash

11-01-2010

Pr
11/1/10
PR

J.R. (M)
11/1/2010

Rep. Gen.
It is submitted that High Court has simply forwarded prayer to state Govt. and state Govt is main respondent in this writ. May like to approve 'A'.

Pr
12/1/10
Chet-BJ

'A'
Almond
12-1-10

J.R. (M)

Pr
13/1/10
Repr (B)

S.O. Admin. A-1

J.R. (M)
13/1/2010

Pamkey
13-1-10

Received
Prakash
13/01/10
R.O Litigation cell

AR Admin A-1/JRM

On compliance of order dated 12-1-10 of Registrar General, copy of file no. dated 11-1-10 and its enclosure got received in the office of O.S.D (Lit) on 13-1-10, misc file of Sri Sanjay Kumar Singh (326) be sent to Admin H

Yes
17/1/10
17/1/10

Pr
17/1/10

Prakash
25-1-10

Prakash
16.1.10
25-1-10