

1632 (211) (50) Request-87 R-52/13/08

**Joint Registrar (M)**

May kindly see letter dated 27.09.2008, placed below at Flag 'A' received from Sri Samar Vishal, Additional Civil Judge (Jr. Div.), Etawah regarding resignation from the U.P. Judicial Service.

In his aforesaid letter Sri Samar Vishal has stated that he had been appointed in U.P. Judicial service in pursuance of U.P. Government-notification No. 2430/ II-4-06-32 (1)/ 2001 T.C.-1, dated 26-05-2006 and he join<sup>-ed</sup> this service on 15-06-2006. Presently he is working<sup>as</sup> Additional Civil Judge (Jr. Div.) Etawah. Now he is appointed as a judicial officer in Delhi Judicial Service.

He has further stated that he had also given prior information of his selection to this Court. **Now he wants to resign from his present service.** He has requested this Court to accept his resignation on technical ground and relieve him from U.P. Judicial service, so as to enable him to join Delhi Judicial Service. He has also requested to exempt him from giving any notice as required under Rules.

In this connection it is submitted that Sri Samar Vishal has joined U. P. Nyayik Sewa on 15-06-2006. As per report of P.S. to Special Officer (Vig.), P.S. to O.S.D. Enquiry (Vig.) and the Section officer (Conf.) at Flag 'B' no Departmental / Vigilance Enquiry is pending against Sri Samar Vishal, Addl Civil Judge (Jr. Div.), Etawah.

It is also to mention here that under the provision of Rule-4 of U. P. Government Servant resignation rules, 2000, (1) a Government Servent may resign from his service by giving three months<sup>l</sup> 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 servent to resign without any notice or by a shorter notice the Photostat copy of the relevant rules is at Flag 'C'.

It is pertinent to mention here that the appointing authority of the Judicial Officers is the Governor/ Government of U.P. and as such, under the circumstance of the case, it seems to be proper that the letter dated -27.09.2008 of Sri Samar Vishal, Additional Civil Judge (Jr. Div.), Etawah may be sent to the Government of

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U.P. for taking necessary action after treating it as letter of resignation from U.P. Nyayik Sewa after waiving the proviso of three month's notice.

'A'

May, therefore, if approved by Hon'ble The Chief Justice, the letter dated 27.09.2008 of Sri Samar Vishal, Additional Civil Judge (Jr. Div.), Etawah may be sent to the Special Secretary, Appointment Section-4, Govt. of U.P., Lucknow for treating it as letter of resignation having waived out the three month's notice as required?

Registrar (B)

May kindly peruse the above office note and may like to lay the file before Hon'ble The Chief Justice for according His Lordship's approval as proposed at 'A' above?

Dinka  
29/9/08  
29.9.08

J.R.(M)  
29.9.08  
J.R.(M)

Registrar General

Submitted for kind perusal & orders as proposed at 'A'.

29.9.08  
(Reg-B)

Hon'ble The Chief Justice

Submitted for kind perusal & orders.

A - approved  
13/10/08

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Registrar (B)

13/10

J.R.(S)

13/10

JR(M)

S.O. Admin. A1

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Repr. (B)  
13.10.08

J.R.(M)  
13-10-08

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