

**Ld. Registrar(J)(Budget)**

May kindly see online request dated 08.10.2020(Annexure 5) of Sri Tushar Sharma, Judicial Magistrate, Aligarh accompanied with resignation notice dated 08.10.2020(Annexure 6), duly forwarded by the District Judge, Aligarh requesting therein to relieve him from U.P.Judicial Services, while waiving prescribed notice period in accordance with The U.P.Temporary Government Servants(Termination of Service) Rules, 1975.

It is pertinent to mention here that vide order dated 19.10.2019 of Hon'ble the Chief Justice, Hon'ble Mr. Justice Pritinker Diwaker has been nominated as Judge In-charge to deal with aforesaid matter thus a fresh note is being submitted.

In this context it is submitted that vide aforesaid letter dated 08.10.2020(Annexure 5), Sri Tushar Sharma has informed that he joined U.P.Judicial Services on 16.12.2019 vide Hon'ble High Court Notification no. 4136/Admin(Services)/2019 dated 13.12.2019 and is presently serving as Judicial Magistrate, Aligarh.

Going further, he has informed that vide Government Order no. 19(10)Judl./2019 dated 25.09.2020(Sl. no. 47 in Annexure 7) of the Government of Rajasthan, he has been appointed as Civil Judge/Judicial Magistrate in Rajasthan Judicial Services and has been directed to report on 11.10.2020 for joining vide another Notification no. Estt. (RJS)/73/2020 dated 29.09.2020(Sl. no. 47 Annexure 8). Besides, he has informed that interview of said examination was conducted before joining U.P.Judicial Services.

Thus, he has tendered his resignation vide notice dated 08.10.2020(Annexure 6) accompanied with the request for same to be accepted by His Excellency, The Governor of U.P, Lucknow, in light of relevant rules, while waiving stipulated notice period of one month.

In this context it is submitted that as Sri Tushar Sharma recently entered into U.P.Judicial Services(i.e on 16.12.2019), 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. Further, as he completed procedure of selection including interview for Rajasthan Judicial Services prior to entering into U.P.Judicial Services, there is no point of considering the permission aspect.

In this respect it is further submitted that relieving requests of temporary employees are carried out in accordance with Rule-3 of The U.P.Temporary Government Servants(Termination of Service) Rules, 1975 which provides as quoted here under :

***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.***

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

Further, as per reports obtained from concerned departments, there is no departmental/vigilance enquiry

pending against Sri Tushar Sharma, Judicial Magistrate, Aligarh.

In the view of above submitted facts and information, if approved by Learned Registrar General, the matter may kindly be placed before Hon'ble Mr. Justice Pritinker Diwaker for His Lordship's kind perusal and order to the effect that letter dated 08.10.2020 accompanied with resignation notice(Annexure 5 & 6) and other enclosures of Sri Tushar Sharma, Judicial Magistrate, Aligarh as well as aforesaid information about nature of his employment, notice period, relieving date, lien detail etc. may be sent to the Under Secretary, Appointment Section-4, Government of U.P, Lucknow with necessary recommendation of Hon'ble Court, for relieving of Sri Tushar Sharma, Judicial Magistrate, Aligarh from U.P.Judicial Services, in accordance with Rule-3 of The U.P.Temporary Government Servants(Termination of Service) Rules, 1975, while waiving prescribed notice period of one month ?

Pranti Dixit  
(Review Officer)  
Arvind Kr. Srivastava  
Asst. Registrar  
Admin(A-1)  
21.10.2020

**Hon'ble Mr. Justice Pritinker Diwaker**

**Nominated Judge**

Submitted for His Lordship's kind perusal  
& orders

Registrar(J)(Budget)

22.10.2020