

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

May kindly see online request dated 05.03.2021(**Annexure 1 page 1**) of Sri Himanshu Chandra, Additional Civil Judge(Junior Division), Moradabad accompanied with resignation notice dated 06.03.2021(**Annexure 2**), duly forwarded by the District Judge, Moradabad requesting therein to relieve him from U.P.Nyayik Sewa, while waiving prescribed notice period in accordance with The U.P.Temporary Government Servants(Termination of Service) Rules, 1975.

In this context it is submitted that vide aforesaid letter dated 05.03.2021(**Annexure 1 Page 1**), Sri Himanshu Chandra has informed that he joined U.P. Nyayik Sewa on 15.11.2019 vide Hon'ble High Court Notification no. 3981/ Admin(Services)/2019 dated 14.11.2019 and is presently serving as Additional Civil Judge(Junior Division), Moradabad.

Going further, he has informed that before joining in the service, the applicant had appeared for UP-PCS(Upper Subordinate Services) 2018 Examination(Mains) and thereafter he appeared for interview held on 28.07.2020, with the permission of Hon'ble High Court granted vide Court's letter no. 8981/IV-4947/Admin(A-4) dated 13.10.2020. The final result of said examination was published on 11.09.2020(**Annexure 3**) in which he has been declared successful.

Further, in support of instant request, Sri Himanshu Chandra has annexed Appointment letter dated 02.03.2021(**Officer's copy attached as Annexure 4**) whereby he has been offered the post of Sub-Registrar and has been directed to report by 17.03.2021 at the Office of Assistant Inspector General Registration, Hapur, failing which his appointment shall be cancelled.

Thus, he has tendered his resignation vide notice dated 06.03.2021(**Annexure 2**) 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 Himanshu Chandra recently entered into U.P.Judicial Services(i.e on 15.11.2019), 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, it is submitted that as he successfully cleared preliminary & mains stage of UP-PCS 2018 examination prior to joining U.P.Nyayik Sewa and appeared for interview in anticipation of Hon'ble Court's permission, granted to him vide Court's letter no. 8981/IV-4947/Admin(A-4) dated 13.10.2020(**Annexure 1 Page 2 & 3**), thus the permission aspect stands satisfied.

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 Himanshu Chandra, Additional Civil Judge(Junior Division), Moradabad.

In the view of above submitted facts and information, if approved, the matter may kindly be placed before Hon'ble Mr. Justice Pritinker Diwaker, Nominated Judge vide order dated 19.10.2020 of Hon'ble the Chief Justice, for His Lordship's kind perusal and order to the effect that letter dated 05.03.2021 accompanied with resignation notice dated 06.03.2021 (**Annexure 1 & 2**) and other enclosures of Sri Himanshu Chandra, Additional Civil Judge(Junior Division), Moradabad 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 Himanshu Chandra, Additional Civil Judge(Junior Division), Moradabad from U.P.Nyayik Sewa, 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)

10.03.2021

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

**Nominated Judge**

Submitted for kind perusal & order

Joint Registrar (J) (Budget)