

From,  
Ram Kishor -III  
Id No. UP6055  
Additional District and Sessions Judge,  
Maharajganj.

To,  
The Registrar  
Selection & Appointment/Seniority  
Hon'ble Allahabad High Court  
Allahabad.

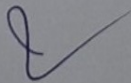
Through: The District Judge, Maharajganj

Sub:- Representation regarding notional promotion as Additional District Judge U/r 22(1) of UPHJS Rules, 1975 w.e.f 08.07.2019 (i.e The dates on which officers junior to me had been promoted) with consequential financial benefits.

Sir,

Which reference to the above matter, it is most respectfully submitted as under.

1. That I belong to UP Judicial Service 2000 batch having joined the service as additional Civil Judge (J.D) at Allahabad on 20.12.2003
2. That a Departmental Enquiry no. 19.2015 was initiated by the Hon'ble High Court against me on Complaint dated 13.08.2013.
3. That I had appeared in the Suitability Test, which was conducted by the Hon'ble High Court for the recruitment year 2016 U/r 5(a) read with rule 20 of UPHJS rules, 1975, but my result was not declared.
4. That vide notification. Dated 17.02.2018, many officers junior to me were promoted to ADJ cadre u/r 22(1), but my promotion was still withheld on the ground of pendency of the said Departmental Enquiry.
5. That after that the proceedings of the said Departmental Enquiry against me were commenced, wherein I participated properly without any delay of my part. The Departmental Enquiry was concluded with

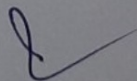


the Enquiry Report dated 13.09.2018 which was an consideration accepted by the Hon'ble Court.

6. That accordingly, I received a Communication D.O. No. c-1889/CI(A)/2018 dated Allahabad, December 21, 2018 from the Registrar (1)(confidential) with the information that the Hon'ble Court has been pleased to order that the Enquiry Report dated 13.09.2018 be accepted and one censure entry was recorded against me.
7. That thereafter, I was promoted to ADJ cadre U/r 22(1) of UPHJS Rules, 1975 vide Notification dated 08.07.20019 against the on vacancy kept reserved for me in the recruitment year- 2016, thereby granting me the benefit of seniority only but notional promotion w.e.f, 17.02.2018 was not granted to me.
8. That as per the legal position settled by Hon'ble Supreme Court in **Union of India & Ors Vs. K.V. Jankiraman (1991)4 SCC 109**, excerpt of the judgement in quoted below.

"..Accoring to this procedure, while the findings are kept in the sealed cover, the cavancy whcih might have gone to the officer concerned is filled only on an officiating basis. If on the conclusion on the departmental/Court Proceeding, the afficer concerned in completely exonerate and where he is under suspension it is also held that the suspension was wholly unjustified, the sealed cover is opened and the recommendations of the DPC are acted upon. If the officer idled on officiating basis, the officiating arrangement being terminated. On his promotion, the officer gets the benefit of seniority and fixation of pay on a notional basis with regerece to the date on which he would have been promoted in the normal course..."

"...If the promotion of the employee had been withheld due to pendency of any disciplinary proceedings and the employee is completely exonerated meaning thereby that he is not found blame worthy in the least and is not visited with the penalty even of censurm he has to be given the benefit of the salary of the higher post along withthe other benefits from the date on which he would have normally been promoted for the disciplinary proceedings..."
9. That Hon'ble Court has been pleased on order that the enquiry Report dated 13.09.2018 be accepted and one censure entry was recorded against me. Since, the G.O. of the Govt. of U.P. Department of personal was indicated that censure entry is not impediment of promotion during the adjudging the eligibility of of the officer with



regart to promotion, thus I am entitled for notional promotion to ADJ cadre U/r 22(1) of UPHJS Rules, w.e.f 08.07.2019 (i.e. the dates on which officers junior to me had been promoted).

Thus in the light of the aforesaid circumstances, it is most respectfully prayed that I may be granted notional promotion to be ADJ cadre U/rn 22(1) of UPHJS Rules 1975,w.e.f. 17.02.2018 (i.e. the prupose this application may be placed before the Hon'ble Court for kind and sympathetic cosideration.)

Dated: 02.09.2020

Enclosure: As above.

With regards.  
02.09.2020  
Ram Kishor- III

Additional District and Sessions Judge,  
Maharajganj.