

Joint Registrar(J)(Budget)

May kindly peruse online request dated 29.10.2021 (**Annexure 1 under heading Letter to the Registrar General**) accompanied with resignation notice dated 29.10.2021 (**Annexure 2 under heading Letter addressed to the Hon'ble Governor of Uttar Pradesh**) of Mrs. Utkarsha Bartwal, Judicial Magistrate, Aligarh, duly forwarded by the District Judge, Aligarh vide endorsement no. 1917/XV/Civil dated 30.10.2021, whereby she has voluntarily tendered resignation from U.P.Nyayik Sewa in light of The U.P.Temporary Government Servants(Termination of Service) Rules, 1975 on account of her personal reasons.

Vide aforesaid letter dated 29.10.2021 (**Annexure 2**), Mrs. Bartwal has informed that her husband is permanently shifting to foreign Country thus it will be tough for her to manage cross country relations. Hence, she has desired to be relieved from U.P.Nyayik Sewa at the earliest, while waiving specified notice period of 1 month.

In this context it is submitted that as Mrs. Utkarsha Bartwal had recently entered into U.P.Nyayik Sewa as Judicial Magistrate, Aligarh on 16.12.2019, the nature of her employment is still that of a temporary employee and therefore is not entitled to hold any lien with U.P.Nyayik Sewa.

In this respect it is further submitted that resignation/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.

It is pertinent to mention here that Mrs. Utkarsha Bartwal has requested prescribed notice period to be waived. 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 in offline mode and placed in Miscellaneous Records file of officer) obtained from concerned departments, there is no departmental/vigilance enquiry pending against Mrs. Utkarsha Bartwal, Judicial Magistrate, Aligarh.

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 29.10.2021 accompanied with resignation notice dated 29.10.2021(Annexure 2) and other enclosures of Mrs.

Utkarsha Bartwal, Judicial Magistrate, Aligarh as well as aforesaid information about nature of her 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 Mrs. Utkarsha Bartwal, Judicial Magistrate, Aligarh 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)

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (Judicial) (Budget)