

I/c Learned Joint Registrar(J)(Budget)

May kindly see online request dated 10.02.2023 of Ms. Suman, Judicial Magistrate, Baghpat accompanied with resignation notice dated 14.02.2023 (**annexure under heading Letter regarding request for relieving**), duly endorsed by the District Judge, Baghpat, addressed to The Hon'ble Governor, U.P. through proper channel, requesting therein to relieve her 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 notice dated 14.02.2023, Ms. Suman has informed that she was appointed in U.P.Judicial Services vide Hon'ble High Court Notification no. 3776/Admin(Services)/2019 dated 14.11.2019 and is presently serving as Judicial Magistrate, Baghpat. Going further, she has informed that she appeared in Haryana Civil Services (Judicial Branch) Examination 2020-21 after obtaining permission from Hon'ble High Court, at every stage of exam.

Further, she has informed that vide Notification no. 25/01/2020-1SIII dated 27.01.2023 (**Annexure under heading Appointment Letter issued to applicant**) of Joint Secretary Services-III for Chief Secretary to Government, Haryana vide endorsement No. 45/Gaz.I/VI.M.46 dated 09.02.2023 (**Annexure under heading Posting Order of Hon'ble High Court of Punjab & Haryana with request to relieve at Serial No 4 of Page 12**) of Hon'ble High Court of Punjab & Haryana, she has been appointed as an officer in the Haryana Judicial Services and has been directed to join at the earliest.

Thus, she has tendered her resignation vide notice dated 14.02.2023 accompanied with the request to be relieved from duties, keeping in view the provisions of The U.P.Temporary Government Servants (Termination of Service) Rules, 1975, thereby enabling her to join Haryana Judicial Services, while waiving stipulated notice period as well as deciding over the issue of lien, in light of relevant rules.

In this context it is submitted that as Ms. Suman recently entered into U.P.Judicial Services (i.e on 18.11.2019), the nature of her employment is still that of a temporary employee and is not entitled to hold any lien with U.P.Judicial Services. Further, since she completed procedure of selection including interview for Haryana Judicial Services after obtaining permission of Hon'ble High Court, there seems no difficulty in relieving her from U.P.Judicial Services.

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 Ms. Suman, Judicial Magistrate, Baghpat.

In the view of above submitted facts and information, if approved, the matter may kindly be placed before Hon'ble Mr. Justice Pritinker Diwaker, Acting Chief Justice for His Lordship's kind perusal and order to the effect that request dated 10.02.2023, submitted via E-servicesJO portal, containing resignation notice dated 14.02.2023 of Ms. Suman, Judicial Magistrate, Baghpat as well as aforesaid information about nature of her employment, notice period, relieving date, lien detail etc. may be sent

to the Special Secretary, Appointment Section-4, Government of U.P, Lucknow with necessary recommendation of Hon'ble Court, **for relieving Ms. Suman, Judicial Magistrate, Baghpat 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 ?**

Pranti Dixit
(Section Officer)
Arvind Kr. Srivastava
Assistant Registrar
Admin(A-1)
14.02.2023

Hon'ble Mr. Justice Pritinker Diwaker,

Acting Chief Justice

Submitted for His Lordship's kind perusal and orders?

I/C Joint Registrar(Judicial)(Budget)

14.02.2023

