

## **Registrar(J)(Budget)**

May kindly see online request dated 01.09.2023 of Sushri Radha Kulshreshtha, Civil Judge (Junior Division), Saharanpur accompanied with resignation notice dated 05.09.2023 **(annexure under heading Application for relieving and Resignation Notice)**, forwarded by the District Judge, Saharanpur, 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 resignation notice dated 05.09.2023, Sushri Radha Kulshreshtha has informed that she was appointed in U.P.Judicial Services vide Hon'ble High Court Notification dated 01.12.2022 and is presently serving as Civil Judge(Junior Division), Saharanpur. Going further, she has informed that she was granted ex-post facto permission to appear in interview of Delhi Judicial Services Examination -2022 as she appeared for same in anticipation of grant of NOC from Hon'ble Court.

Further, she has informed that vide Notification no. F6/6/2022-Judl./Suptlaw/1536-1542 dated 24.08.2023 **(annexure under heading copy of the Gazette Notification dated 24.08.2023)** issued by the Government of NCT of Delhi, Department of Law, Justice and Legislative Affairs, New Delhi she has been appointed as an officer in the Delhi Judicial Services and has been directed to join at the earliest.

Thus, she has tendered her resignation vide notice dated 05.09.2023 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 Delhi Judicial Services, while waiving stipulated notice period of one month as well as deciding over the issue of lien, in light of relevant rules.

In this context it is submitted that as Sushri Radha Kulshreshtha, Civil Judge (Junior Division), Saharanpur recently entered into U.P.Judicial Services (i.e. on 06.12.2022), the nature of her employment is still that of a temporary employee and thus is not entitled to hold lien with U.P.Judicial Services. Further, from perusal of Misc. file of officer, it is evident that she cleared first two stages of exam i.e. Prelims and Mains of Delhi Judicial Services Examination-2022 prior to her appointment in U.P.Nyayik Sewa and appeared for final stage i.e. interview for Delhi Judicial Services after obtaining permission of Hon'ble High Court, thus 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 Sushri Radha Kulshreshtha, Civil Judge (Junior Division), Saharanpur.

In the view of above submitted facts and information, if approved, the matter may kindly be placed before Hon'ble Mr. Justice Surya Prakash Kesarwani, Hon'ble Senior Judge(J-1) **(as per Hon'ble Committee reconstitution order dated 29.08.2023 of Hon'ble the Chief Justice)** for His Lordship's kind perusal and order to the effect that request dated 01.09.2023, submitted via E-servicesJO portal, containing resignation notice of Sushri Radha Kulshreshtha, Civil Judge (Junior Division), Saharanpur 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 of Sushri Radha Kulshreshtha, Civil Judge (Junior Division), Saharanpur 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)  
Rajkumar Mishra  
(Assistant Registrar)  
Admin(A-1)  
06.09.2023

**Hon'ble Mr. Justice Surya Prakash Kesarwani,**

**Hon'ble Senior Judge(J-1)**

Submitted for kind perusal & order

Registrar (Judicial) (Budget)

