

Registrar(J)(Budget)

May kindly see online request dated 01.09.2023 of Sushri Pooja Suhag, Additional Civil Judge (Junior Division), Azamgarh accompanied with digitally signed resignation notice dated 01.09.2023 (**annexure under heading relieving letter**), forwarded by the District Judge, Azamgarh, 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 01.09.2023, Sushri Pooja Suhag has informed that she was appointed in U.P.Judicial Services vide Hon'ble High Court Notification no. 3799/Admin(Services)/2019 dated 14.11.2019 and is presently serving as Additional Civil Judge(Junior Division), Azamgarh. Going further, she has informed that she applied and appeared in Delhi Judicial Services Examination 2022 after obtaining kind permission from Hon'ble High Court, at every stage of exam.

Further, she has informed that vide Notification no. F6/6/2022-Judl./Suptlaw/1536-1542 dated 24.08.2023 (**annexure under heading relieving letter**) issued by the Government of NCT of Delhi, Department of Law, Justice and Legislative Affairs, 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 01.09.2023 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 Pooja Suhag 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, as she completed procedure of selection including 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 Pooja Suhag, Additional Civil Judge (Junior Division), Azamgarh.

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 Pooja Suhag, Additional Civil Judge (Junior Division), Azamgarh 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 Ms. Pooja Suhag, Additional Civil Judge (Junior Division), Azamgarh 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)

Hon'ble Mr. Justice Surya Prakash Kesarwani,

Hon'ble Senior Judge(J-1)

Submitted for kind perusal & order

Registrar (Judicial) (Budget)