

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

May kindly see the online request dated 02.09.2023 and also letter dated 02.09.2023, enclosed as attachment of Sri Manoj Kumar-I, Additional District & Sessions Judge, Bijnor, duly forwarded by the District Judge, Bijnor which is addressed to the Hon'ble Governor, U.P., through proper channel requesting therein for his voluntary retirement from U.P. Higher Judicial Service with effect from or before 01.10.2023 after waving the statutory provision for giving three months prior notice for this purpose.

Vide aforesaid application dated 02.09.2023, Sri Manoj Kumar, aforesaid has stated that he is seeking voluntary and unconditional retirement from Uttar Pradesh Judicial Service after serving for the past more than 17 years. He has also informed that he has completed 45 years of age.

Further, vide aforesaid application dated 02.09.2023, he has informed that he had the privilege of working alongside dedicated colleagues, experienced legal professionals and honorable members of the Judiciary and acquired a lot for shaping him both personally and professionally and now after working for a long time, he wants to dedicate his life to a social cause and for the upliftment of marginalized communities. He has also stated that it is his duty to contribute to the betterment of these communities and to work towards a more just and equitable society.

Further, extending his thankful to the entire judiciary, he has stated that he decided to embark on a new journey as driven by a deep sense of purpose and the belief that his skills and experiences can be put to meaningful use in serving those who are in need.

Vide his aforesaid application dated 02.09.2023, he has requested this Hon'ble Court to treat this application as notice of VRS (Voluntary Retirement Scheme) and to accept his prayer of Voluntary Retirement with appreciation and also to relieve him from his duties with effect from or before 01.10.2023 under the rule 56 (C) of Uttar Pradesh Fundamental Rules, with the request to waive 3 months notice period under the rule 56 'D' of Uttar Pradesh Fundamental Rules in his favour.

In this respect, it is pertinent to mention here that the request for voluntary retirement of Government Servants is processed in accordance with the provisions of Fundamental Rules 56 (c) of F.H.B., Volume-2, Part-II to IV, which is being reproduced herein as under:-

***56 (c) " Notwithstanding anything contained in Clause(a) or Clause(b), the appointing authority may, at any time, by notice to any Government Servant (whether permanent or temporary), without assigning any reason, require him to retire after he attains the age of fifty years or such Government servant may, by notice to the appointing authority, voluntarily retire at any time after attaining the age of forty five years or after he has completed qualifying service for twenty years."***

***(d) The period of such notice shall be three months:***

***Provided that it shall be open to the appointing authority to allow a Government servant to retire without any notice or by a shorter notice without requiring the Government servant to pay any penalty in lie of notice.***

Thus, according to aforementioned provision of Fundamental Rules 56 (c) of F.H.B., Volume-2, Part-II to IV, a Government Servant may seek voluntary retirement after attaining the age of 45 years or after completing a qualifying service for 20 years by giving three months' notice to Government. The appointing authority however, allows a Government servant to retire without any such notice or by a shorter notice and in this case, Sri Manoj Kumar, aforesaid has completed about 45 years of age however, the service completed by him is 17 years 2 months and 18 days yet his request seems proper to process as per the rules.

Further, as per information received from office of Special Officer (Vigilance), Registrar(J) (Enquiry), Registrar (J)(Enquiry Vigilance) and Confidential Section of the Court, no inquiry is pending against Sri Manoj Kumar-I, aforesaid.

As in case of U.P., H.J.S., the appointing authority is Government of U.P., thus, there seems no objection if the request of Sri Kumar, aforesaid for voluntary retirement/relieving from service and

thereafter waiving prescribed notice period is forwarded to the Government of U.P., Lucknow, for taking further necessary action.

In view of the facts and details mentioned above, if approved the matter may kindly be placed before Hon'ble the Chief Justice, for His Lordship's kind perusal and order to the effect that the request dated 02.09.23 of Sri Manoj Kumar-I, Additional District & Sessions Judge, Bijnor, submitted through E-services JO portal, may be sent to the Special Secretary, Appointment Section-4, Government of U.P., Lucknow **with the remark that the Hon'ble Court has no objection if the request of Sri Manoj Kumar-I, aforesaid for voluntary retirement from U.P. Higher Judicial Service with effect from or before 01.10.2023, is accepted by the Government of U.P. under the provision of Fundamental Rules 56(c) of F.H.B. and the statutory notice be waived as per his request ?**

(Prabhat Kumar Tiwari)  
Section Officer

(Rajkumar Mishra)  
(Assistant Registrar)  
Admin.(A-1)

**Hon'ble The Chief Justice**

My Lord,

Submitted for His Lordship's  
kind perusal & order

Registrar (Judicial) (Budget)

