

Registrar(J)(Budget)

May kindly peruse online request dated 15.11.2023 accompanied with resignation notice dated 16.11.2023 (**Annexure under heading Resignation cum Notice**) of Sri Manish Arora, Additional Civil Judge(Junior Division), Muzaffar Nagar duly forwarded by the District Judge, Muzaffar Nagar under endorsement no. 2527/XV-23/2023 dated 16.11.2023, whereby he has voluntarily and unconditionally tendered resignation from U.P.Nyayik Sewa in light of provisions contained in The U.P. Temporary Government Servants (Termination of Service) Rules, 1975 on account of his personal reasons.

Vide aforesaid resignation notice dated 16.11.2023 (**Annexure under heading Resignation cum Notice**), Sri Manish Arora has informed that due to his family commitments and personal unavoidable circumstances i.e as his wife is not well for the past one and half years and at times she requires his full attention, he has to take care of his wife's health, which leaves him with no other option and, as such he is no longer able to render his services in the Uttar Pradesh Judiciary. Hence, he has desired to be relieved from U.P. Nyayik Sewa, while treating his instant letter as one month formal notice. He has further requested to waive the prescribed notice period, if possible.

In this context it is submitted that Sri Manish Arora entered into U.P.Nyayik Sewa as Additional Civil Judge (Junior Division), Mathura on 16.12.2019 and as per report dated 17.11.2023 obtained from Confidential 'B' section, he has not yet been confirmed in U.P.Nyayik Sewa. As such, he is not entitled to maintain lien in U.P. Nyayik Sewa.

In this respect, it is further submitted that resignation/relieving requests of temporary officers are carried out in accordance with provisions contained in 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 in offline mode and placed in Miscellaneous Records file of officer**) of other concerned departments, there is no departmental/vigilance enquiry pending against Sri Manish Arora, Additional Civil Judge(Junior Division), Muzaffar Nagar.

In this context it is pertinent to mention that initially instant matter was submitted for kind perusal and approval of Hon'ble Mr. Justice Manoj Kumar Gupta, Hon'ble Acting Chief Justice / Senior Judge J-1 but recently, vide order dated 30.11.2023 relating to re-constitution of Committees, Hon'ble the Acting Chief Justice has been pleased to change the single Judge Committee appearing at Sl. No. 3 of the list of Committees dated 23.04.2023- last modified on 29.08.2023 and Hon'ble Mr. Justice Anjani Kumar Mishra is nominated in the said Committee to deal with the matters relating to resignation of judicial officers from U.P.Nyayik Sewa/UPHJS.

In the view of above submitted facts and information, if approved, the matter may kindly be placed before single Judge Committee- Hon'ble Mr. Justice Anjani Kumar Mishra (as per order dated 30.11.2023 of Hon'ble the Acting Chief Justice relating to reconstitution of Committees) for His Lordship's kind perusal and order to the effect that request dated 15.11.2023, submitted via E-servicesJO portal, accompanied with resignation notice dated 16.11.2023 of Sri Manish Arora, Additional Civil Judge(Junior Division), Muzaffar Nagar as well as aforesaid information about nature of his

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 Sri Manish Arora, Additional Civil Judge(Junior Division), Muzaffar Nagar 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?**

Pranti Dixit
(Section Officer)
ARVIND KUMAR SRIVASTAVA,

DEPUTY REGISTRAR, Admin misc.-I
06.12.2023

Hon'ble Mr. Justice Anjani Kumar Mishra,

Nominated Judge

My Lord,

Submitted for kind perusal &
order

Registrar (Judicial) (Budget)

