

Registrar(J)(Budget)

May kindly peruse online request dated 24.07.2024 accompanied with Resignation Notice dated 23.07.2024 (**Annexure under heading Application to Her Excellency, Governor**) of Sri Vishal Thakur, Civil Judge(Junior Division), Budaun duly forwarded by the District Judge, Budaun on 25.07.2024, 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 successful selection in Uttarakhand Judicial Services 2022.

Vide aforesaid Resignation Notice dated 23.07.2024, Sri Vishal Thakur has informed that he was appointed in U.P.Nyayik Sewa vide Hon'ble High Court Notification no. 357/Admin(Services)/2024 dated 28.02.2024 and is presently serving as Civil Judge(Junior Division), Budaun w.e.f the date of taking charge of the office i.e. 11.03.2024. Going further, he has informed that he appeared in the Interview of Uttarakhand Judicial Services 2022 after obtaining kind permission from Hon'ble High Court (**copy of permission attached ahead as Annexure 3 under heading "Application for relieving and resignation along with relevant documents"**).

Further, he has informed that vide Notification no. 285/UHC/Admin A-2/2024 11.07.2024 (**copy attached ahead as Annexure 5 under heading "Application for relieving and resignation along with relevant documents"**) issued by the High Court of Uttarakhand at Nainital, he has been appointed as an officer in the Uttarakhand Judicial Services and has been directed to join the duties in respective station with immediate effect.

Thus, he has tendered his resignation vide Notice dated 23.07.2024 accompanied with the request to waive prescribed Notice Period due to the short notice from Uttarakhand High Court for joining, thereby enabling him to join pre- appointment training program of Uttarakhand Judicial Services.

In this context it is submitted that Sri Vishal Thakur entered into U.P.Nyayik Sewa as Additional Civil Judge (Junior Division), Budaun on 11.03.2024 and as per report dated 29.07.2024 obtained from Confidential 'B' section, he has not yet been confirmed in U.P.Nyayik Sewa. As such, he does not appear 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 Vishal Thakur, Civil Judge(Junior Division), Budaun.

In this context it is pertinent to mention here that vide order dated 30.11.2023 relating to reconstitution of Committees, Hon'ble the Acting Chief Justice has been pleased to nominate Hon'ble Mr. Justice Anjani Kumar Mishra as the single Judge 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 24.07.2024, submitted via E-servicesJO portal, accompanied with resignation notice dated 23.07.2024 of Sri Vishal Thakur, Civil Judge(Junior Division), Budaun 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 Vishal Thakur, Civil Judge(Junior Division), Budaun from U.P.Nyayik Sewa with effect from 29.08.2024, 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)
Admin A-1

Rajkumar Mishra
(Assistant Registrar)

Arvind Kumar Srivastava
(Deputy Registrar)
Admin Misc-1

Hon'ble Mr. Justice Anjani Kumar Mishra,

Nominated Judge

Submitted for kind perusal & order

Registrar (Judicial) (Budget)