

**(2010) 04 AHC CK 0313**

**Allahabad High Court**

**Case No:** Service Bench No. 985 of 2008

Hans Nath Ram and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision:** April 27, 2010

**Hon'ble Judges:** Uma Nath Singh, J; Devendra Kumar Arora, J

**Bench:** Division Bench

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### **Judgement**

1. Heard learned Counsel for parties and perused the record.
2. Learned Counsel for petitioners submitted that the impugned order has been issued contrary to the intent of an interim order passed by a Coordinate Bench in this writ petition. Learned Counsel also submitted that the petitioners apprehend that after taking charge from them it may be given to some junior officers of their cadre.
3. On the other hand, learned Chief Standing Counsel Sri. D.K. Upadhyay submitted that the impugned order dated 29.03.2010, passed by Special Secretary in so far as he has directed to divest the petitioners of the charge of Soil Conservation Officer, Shahjahanpur, has been issued only towards the compliance of order dated 10.09.2008, passed by the Coordinate Bench in this writ petition. Relevant portion of the order reads as:  
  
...The opposite parties are further directed to constitute a Committee and re-consider all the promotions done in violation of seniority and pass fresh order.
4. Sri. Upadhyay also submitted that as the charge of Soil Conservation Officer has not been given to any officer of the batch of petitioners, senior or junior, there may be no heart-burning among the officers of petitioners' service cadre.
5. On due consideration of rival submissions, we do not find any flaw with the impugned order which has been correctly passed in the facts and circumstances of this case. However, we also cannot ignore the fact that the post of Soil Conservation

Officer should not remain vacant for an indefinite period which may block the process of promotion from the feeder cadre and, further, senior officers would be burdened additionally with the work of subordinates.

6. Hence, we direct the State to hold the meeting of Departmental Promotion Committee within a period of two months from the date of production of certified copy of this order, and till then, the officiating charge of Soil Conservation Officer shall not be given to any officer of the cadre of petitioners and only the existing arrangement of entrusting the charge to Deputy Directors of Soil Conservation shall continue till the promotion to posts of Soil Conservation Officer is made.

7. With the aforesaid directions, this writ petition is disposed of finally.