

From,

Rajiv Sharma, HJS
Joint Registrar (Services)
High Court, Allahabad

To,

1. All the District & Sessions Judges
Sub-ordinate to High Court of Judicature at Allahabad
2. Principal Secretary (Judicial) & L.R.
Government of U.P.
Lucknow

No. 318/DR(S)/2013 Dated: Allahabad, 30.08.2013

Subject - Consideration of implementation of judgements passed by Apex Court and this Court in the matter of four officers so as to review the final seniority list dated 14.07.2011 for placement or re-placement of aforesaid officers.

Sir/Ms,

In continuation to Court's Letter No. 258/DR(S)/2011 Dated 01.08.2011, I am directed to inform you that Hon'ble the Seniority Committee had considered the implementation of judgements passed by Hon'ble Apex Court and Hon'ble High Court in the matter of four officers i.e. Sri Pratap Singh-II, Sri Surendra Vikram Singh, Sri Jai Prakash Singh-I and Sri Devendra Kumar Nailwal, vide its Minutes dated 17th and 18th July 2013 and placed them at serial no. 289A, 448, 501A and 658A respectively. The said Minutes of Hon'ble the Seniority Committee had been approved by Hon'ble Full Court in its Meeting held on 04.08.2013.

Yours faithfully,

Sd/
(Rajiv Sharma)
Joint Registrar (Services)

No. 318(i)/ DR(S)/2013 Dated: Allahabad, 30.08.2013

Copy forwarded for information and necessary action to:

1. Sri Pratap Singh-II, Additional District & Sessions Judge (Retd.), R/O Prem Vihar, Keshi Ghat, Vrindaban (Mathura).
2. Sri Surendra Vikram Singh, Additional District & Sessions Judge, Farrukhabad
3. Sri Jai Prakash Singh-I, Additional District & Sessions Judge, Kanpur Nagar
4. Sri Devendra Kumar Nailwal, Additional District & Sessions Judge, Rampur.

Sd/-
Joint Registrar(Services)

Minutes of the meeting of the Hon'ble Committee comprising Hon'ble Mr. Justice Devendra Pratap Singh, Hon'ble Mr. Justice Vimlesh Kumar Shukla, Hon'ble Mr. Justice Sudhir Agarwal and Hon'ble Mr. Justice Pankaj Naqvi constituted to carry out the directions given by the Hon'ble Apex Court in Civil Appeal No. 1312 of 2005- Ashok Pal Singh and others Vs. UP Judicial Services Association and others held in the Chambers of Hon'ble Mr. Justice Devendra Pratap Singh on 17.07.2013 and 18.07.2013 at 4:15 PM

Present:

**Hon'ble Mr. Justice Devendra Pratap Singh
Hon'ble Mr. Justice Vimlesh Kumar Shukla
Hon'ble Mr. Justice Sudhir Agarwal
Hon'ble Mr. Justice Pankaj Naqvi**

Consideration of implementation of judgements passed by Apex Court and this Court in the matter of four officers so as to review the final seniority list dated 14.07.2011 for placement or re-placement of aforesaid officers.

1. Sri Pratap Singh-II was reverted as Civil Judge (Senior Division) vide notification dated 5.12.1998 which he assailed in a Writ Petition before this Court but the same was dismissed on 21.12.2009 and thereagainst matter was taken to Apex Court in Civil Appeal No. 2307 of 2011 which was allowed vide judgment dated 15.11.2011 and the Court set aside the notification as well as judgement of this Court dismissing writ petition and directed for reconsideration of promotion and Sri Pratap Singh-II in the substantive vacancy in U.P. Higher Judicial Service which was considered by Selection Committee on 18.5.1998 and Full Court on 11.7.1998. Pursuant thereto, Sri Pratap Singh-II has been re-considered by Full Court on 11.02.2012 and allowed promotion from due date i.e. from the date his next junior in the feeder cadre, namely, Civil Judge (Senior Division) was promoted and notified vide Court's notification dated 19.11.2012. Pursuant thereto Sri Pratap Singh II has been found entitled for his due placement in seniority in the final seniority list dated 14.7.2011 approved by Full Court on 30.7.2011.

2. The other three officer, namely, Sri Surendra Vikram Singh, Sri Jai Prakash Singh-I and Devendra Kumar Nailwal challenged final seniority list dated 14.07.2011 on judicial side claiming that denial of seniority to them over the persons junior to them in parent cadre was not justified. The details

thereof are as under:

Sl.	Name S/Sri	Writ Petition No.	Date of judgement
1.	Pratap Singh-II	Civil Appeal No. 2307 of 2011	15.11.2011
2.	Surendra Vikram Singh	Writ Petition No. 1468(S/B)/2011	05.12.2011
3.	Jai Prakash Singh-I	Writ Petition No. 260 (S/B) 2012	05.09.2012
4.	Devendra Kumar Nailwal	Writ-A No. 47034 of 2011	27.02.2012

3. In respect of the aforesaid officers, we have to simply implement judgements aforementioned, in words and spirit. Therefore, these officers shall stand assigned their seniority position in the seniority list dated 14.07.2011 as follows:

Sl.	Name S/Sri	Placed at Serial No.
1.	Pratap Singh-II	289A
2.	Surendra Vikram Singh	448
3.	Jai Prakash Singh-I	501A
4.	Devendra Kumar Nailwal	658A

4. In earlier seniority list dated 14.07.2011, Mr. Surendra Vikram Singh's name finds mention at Serial No.681. Therefore, as a consequence of shifting of his name at Serial No.448, other officers, whose names find mention from serial no. 448 to 680, shall shift by one place and will now be at serial no.449 to 681, without any other change *inter se*.

5. So far as Pratap Singh-II is concerned, State Government by notification dated 22.10.2012 has already sanctioned a supernumerary post for the period with effect from 27.05.1996 to 30.11.2011 and, therefore, no subsequent change in allocation of vacancies, in the earlier seniority list, is needed.

6. So far as remaining three officers are concerned, we recommend creation of supernumerary post from date(s) 03.02.1999 to 04.01.2000,

21.06.1999 to 30.10.2001 and 09.05.2001 to 29.11.2001 respectively which shall stand absorbed against subsequent vacancies available in the quota of U.P. Nyayik Seva officers and that is how, there also shall be no need of any corresponding change in allocation of vacancies in the earlier seniority list dated 14.07.2011.

7. Giving effect to the aforesaid recommendation, the final seniority list dated 14.07.2011 shall stand revised to the extent as above and the registry shall cause resultant revision in the final seniority list accordingly.

8. Since the compliance of judgements of Courts, in the above matters, has already quite delayed, therefore, we recommend an early consideration of this matter by the court. Let it be placed before the Hon'ble Chief Justice for His Lordship's consideration and further action at the earliest.

Sd/-

Sd/-

Sd/-

Sd/-

(Justice Pankaj Naqvi) (Justice Sudhir Agarwal) (Justice V.K. Shukla) (Justice D.P. Singh)