



2026:AHC:37098

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2472 of 2026

Namita Choudhary

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Arvind Srivastava Iii, Pratik Kumar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Arvind Srivastava III, learned counsel for the petitioner and Sri Manish Kumar, learned Standing Counsel, who appears for State-respondents.

2. The case of the writ petitioner is that he was initially appointed on the post of Supply Inspector in the Department of Food and Civil Supplies. An advertisement came to be issued being advertisement No. 03 of 2018 seeking applications for appointment on deputation against several vacancies/ posts under the Director, Urban Local Bodies. The writ petitioner applied therein and he was selected and thereafter he was relieved for appointment on the post of Executive Officer in Nagar Panchayat, Babugarh, District Hapur on 31.01.2019. Thereafter on 05.07.2023, a general order came to be passed by the State Government cancelling/ continuation of the petitioner and several similarly, situated persons, working as Executive Officer in Nagar Panchayat. Another order to the said extent came to be passed on 07.07.2023, the writ petitioner being aggrieved against the same preferred Writ-A No. 11275 of 2023 which came to be connected along with leading writ petition being Writ-A No. 11172 of 2023 which came to be dismissed on 18.01.2024. Persons similarly situated who was working in Awadh area of the State of Uttar Pradesh also preferred writ petition questioning the said orders which being Writ-A No.4926 of 2023 along with other writ petitions which came to be allowed on 16.04.2024 by the Lucknow Bench of this Court against which a Special Appeal No. 175 of 2024 (State of U.P. through Principal Secretary Urban Development Department Lucknow and 2 others v. Munna Kumar Pasi and 25 others) along with 3 others Special Appeals came to be preferred which though came to be allowed setting aside

the order of the learned Single Judge on 21.11.2024, however, in paragraph no. 67, the following was observed as under.

"67. In light of the aforesaid discussions, this Court comes to the conclusion that the writ petitioners could not have been granted the benefit to continue to serve till such time all the regular vacancies are filled, hence, the judgment dated 16.04.2024 to that extent is not sustainable and is accordingly set aside. It is further provided that in case if the writ petitioners join their parent department in pursuance of the impugned orders dated 07.07.2023, they shall be permitted to do so within three weeks from today and they may not be treated to be not working to deny them their salaries on the principles of no work, no pay."

3. In the light of the order passed by the Special Appellate Bench in Lucknow in a Special Appeal so preferred by the writ petitioner herein, the same orders came to be passed in Special Appeal No. 122 of 2024 along with leading Appeal being Special Appeal (Defective) No. 276 of 2024, on 03.12.2024 thereafter the writ petitioner in view of the liberty so accorded to join the repatriated place within a period of three weeks, the writ petitioner proceeded to tender its joining on 23.12.2024. However, the petitioner was not allowed to join and thereafter post passing of an order by the Food and Civil Supplies Department, U.P., Commissioner dated 14.10.2025 tendered its joining on 17.10.2025. However on 25.10.2025 Additional District Magistrate (Finance and Revenue), District Firozabad sought a relieving order from the office of the Director from local bodies thereafter the petitioner submitted a reply on 30.10.2025 thereafter on 12.11.2025 again the petitioner was required to submit a relieving order in that regard to which the petitioner represented its cause before the Additional Commissioner, Food and Civil Supplies Department, U.P, Lucknow on 21.11.2025 for issuance of the relieving order.

4. The grievance of the petitioner is that though the petitioner is working on the post in question as Supply Inspector but relieving order has not been issued by the third respondent, Additional Commissioner, Food and Civil Supplies Department, U.P, Lucknow and further he has not been paid salary from 07.07.2023 till date.

5. Prayer in the present petition is for a direction to the respondents to consider the claim of the petitioner for promotion on the post of Regional Food Officer and to accord ACP which becomes due in the year 2024 post

completion of ten years.

6. Learned Standing Counsel submits that the claim of the writ petitioner needs adjudication at the first instance by the third respondent.

7. To such a submission, learned counsel for the petitioner has no objection and he gracefully accepts the same.

8. Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being **disposed off** granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the third respondent, who shall on the receipt of the same within a period of two weeks, proceed to decide the claim of the petitioner strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order bearing in mind the factum of order passed by the Special Appellate Bench the order dated 25.10.2025 as well as the reply submitted to the writ petitioner in that regard. In case the third respondent is of the opinion that the matter is to be decided by some other authorities then the papers shall be transmitted to the same.

9. Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

10. With the aforesaid observation, the writ petition is **disposed off**.

February 19, 2026

Ashu

(Vikas Budhwar,J.)