



2026:AHC:49387

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3361 of 2026

Jitendra Kumar

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

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|---------------------------|---|-------------------------------|
| Counsel for Petitioner(s) | : | Pankaj Barman                 |
| Counsel for Respondent(s) | : | C.S.C., Mahendra Narain Singh |

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**Court No. - 33**

**HON'BLE VIKAS BUDHWAR, J.**

1. Heard Sri Pankaj Barman, learned counsel for the writ petitioner, Sri Vivek Singh, learned Standing Counsel for the State and Sri Mahendra Narain Singh, learned counsel for the Commission.

2. The case of the writ petitioner is that he was appointed on the post of Junior Engineer in the Irrigation Department (Mechanical), at Nalkoop Khand, Ghaziabad. The next post, which the writ petitioner is entitled to be considered for the promotion on the post of Assistant Engineer. According to the writ petitioner, there happens to be a Recruitment Rules by the name and nomenclature of Uttar Pradesh Service of Irrigation Department (U.P. Services Rules 2007), which stood notified on 16.11.2007. It is also the case of the writ petitioner that post completion of 7 years of service as contemplated under Rule 5 read with Rule 16, which provides for recruitment by promotion, the writ petitioner ought to have been accorded promotion post completion of 7 years of services as Assistant Engineer. However, though for the recruitment year 2019-20, the DPC stood convened and 44 candidates were promoted, however, the name of the writ petitioner was dropped, thereafter the writ petitioner protested against the same and made various representations, pursuant where to now an order came to be passed on 22.05.2023 promoting the writ petitioner on the post of Assistant Engineer (Mechanical) for the year 2020-2021.

3. Grievance of the writ petitioner is that the writ petitioner ought to have been considered for promotion on the post of Assistant Engineer

(Mechanical) for the recruitment year 2019-20, but his promotional prospects have been deferred and further on account of the said apathy on the part of the respondents without there being any fault of the writ petitioner, his seniority position has been altered to his detriment.

4. Prayer in the present writ petition is to treat the writ petitioner to be promoted for the recruitment year 2019-20 in place of 2020-21 and to pay salary allowances and consequential benefits including seniority from the date when the writ petitioner was actually entitled for promotion.

5. Learned Standing Counsel as well as learned counsel appearing for the Commission on the other hand submits that there happens to be a communication of the State to the Engineer in Chief dated 06.01.2021, but according to him a conscious decision is to be taken at the first instance by the Principal Secretary, Irrigation and Water Resources, U.P. Lucknow.

6. Considering the submissions so made across the Bar and after perusing the records, this Court is of the opinion that the matter needs examination at the first instance by the first respondent.

7. Accordingly, the writ petition stands **disposed of** directing the writ petitioner to prefer a comprehensive representation along with self attested copy of the writ petition and the certified copy of the order by **20.03.2026** before Respondent no.1, and on the said motion, the first respondent shall decide the claim of the writ petitioner, regarding according of the benefits of promotion on the post of Assistant Engineer (Mechanical) for the year 2019-20, instead of 2020-2021 strictly in accordance with law within a period of two months, bearing in mind the fact that it is the claim of the writ petitioner that the writ petitioner happens to be qualified and suitable in all respect.

**(Vikas Budhwar,J.)**

**March 11, 2026**

Rajesh