

Court No. - 33

Case :- WRIT - A No. - 2198 of 2022

Petitioner :- Moh. Sameer Qureshi

Respondent :- State Of U.P Through Secretary Home And 5
Others

Counsel for Petitioner :- Avnish Kumar

Srivastava, Mohammad Anas Raza

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Avnish Kumar Srivastava, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

This writ petition has been filed interalia for the following relief:-

"a) Issue, a writ, order or direction in the nature of certiorari for quashing the impugned order dated 12.10.2021 passed by respondent no.4, enclosed as Annexure no.1 to the writ petition.

b) Issue, a writ, order or direction in the nature of mandamus directing the respondents authorities to reinstate the services of the petitioner and to pay the regular salary of the petitioner, month by month when it falls become due.

c) Issue a writ order or direction in the nature of mandamus commanding the respondents to reinstate the services of the petitioner on the post of Constable treating the petitioner continues in service with all consequential benefits.

d) Issue a writ or direction in the nature of mandamus commanding the respondents to pay all the arrears of salary since the punishment awarded from the dismissal of the services to the petitioner and accordingly pay all consequential benefits."

At the very outset, learned Standing Counsel submits that against the impugned order dated 12.10.2021 passed by the Respondent no.4, the petitioner has efficacious statutory alternative remedy by way of appeal under the relevant Act, therefore, the petition is not maintainable on the ground of alternative remedy.

However, in the facts of the present case, it is provided that in case the petitioner files an appeal under the relevant act before

the appellate authority within two weeks from today alongwith a certified copy of this order, the same shall be entertained without raising any objection with regard to delay, if any, in filing of the appeal. It is further hoped that the appellate authority shall endeavour to consider the same by means of a reasoned and speaking order, preferably within a period of three months from the date of appeal is filed.

With the aforesaid directions, the present petition is **disposed of.**

Order Date :- 25.2.2022

Jitendra/-