

प्रेषक,

आलोक रंजन,
मुख्य सचिव
उत्तर प्रदेश शासन।

सेवा में,

समस्त प्रमुख सचिव/सचिव,
उत्तर प्रदेश शासन,
लखनऊ।

चिकित्सा अनुभाग—7

लखनऊ : दिनांक 12 फरवरी, 2016

विषय : रिट याचिका संख्या—7176(एस0एस0)/2014 उदय प्रताप सिंह व 15 अन्य बनाम उ0प्र0 राज्य व अन्य में पारित मा0 उच्च न्यायालय के आदेश दिनांक 21.12.2015 के अनुपालन की कार्यवाही सुनिश्चित किये जाने के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक रिट याचिका संख्या—7176(एस0एस0)/2014 उदय प्रताप सिंह व 15 अन्य बनाम उ0प्र0 राज्य व अन्य में पारित मा0 उच्च न्यायालय के आदेश दिनांक 21.12.2015 निम्नवत् आदेश पारित किये गये हैं :-

“.....The picture which emerges as pointed out by the Principal Secretary is that no Government order regarding creation of posts of Pharmacists in the Medical and Health Department prior to 2000 is available either in the Medical Health or in the Directorate of Medical Health nor in the Finance Department of the Government. The other fact which emerges is that a meeting was called with the authorities of Uttranchal and as per the documents relating to the year 2000 pertaining to reorganization of the said State, a total 688 posts of Pharmacists were allocated to Uttranchal and 5035 posts of Pharmacists were allocated to the U.P. which figure has been relied upon by the Principal Secretary, as of now and in compliance of the Judgment of the Supreme Court. Another exercise was undertaken by calling for the details of posts actually available in various hospitals in the districts in the State of U.P. and that figure comes to 4889. The total of posts available at the time of reorganization in 2000 and the posts subsequently created till October, 2014, according to the Principal Secretary, were 5561, thus, there was a gap of 672 posts between these two figures. Subsequent to October, 2014 till December, 2015 certain vacancies have arisen on account of promotion, which were 391, and certain selection and appointments have also been made.....

.....Before parting it is necessary to take note of the fact that none of the Government Orders issued prior to the year 2000 regarding creation of posts of Pharmacists are available in any concerned department including finance department.

It is unfathomable as to how the Government orders containing policy decisions including those relating to creation of posts, which are required to be preserved not only by the department concerned but also by the Finance Department, as, the creation of posts is done after due consultation with it and normally a copy of such government orders is endorsed to the

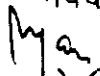
with it and normally a copy of such government orders is endorsed to the Finance Department, are untraceable. This is a very sad state of affairs that raises serious question as regards the manner in which the records are being kept in the departments concerned which is bound to result in serious consequences if any financial irregularity is committed, as, the State would be completely at Sea while taking decision in such matters, in absence of any record, as in this case. It is therefore directed that a copy of this order be brought to the notice of the Chief Secretary, Uttar Pradesh for issuing necessary directions for proper up keep of Government Orders containing policy decisions and relating to creation of posts to avoid such a scenario in future. Needless to say that he shall ensure adequate steps/action for tracing out such government orders and fixing accountability. The Court shall be apprised of the action taken on the next date. —

List this case on 24.02.2016.”

2— इस सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि सचिवालय नियम संग्रह (सेक्रेटेरियट मैनुएल) के अध्याय-6 के प्रस्तर-194, तथा प्रशासनिक सुधार अनुभाग-1 के शासनादेश संख्या-3339/तैतालिस-1-92-37(1)/84 दिनांक 30.1.1993 तथा तत्कम में निर्गत शासनादेश संख्या-1512/43-1-99-37(1)/84 दिनांक 04.8.1999 एवं प्रशासनिक सुधार अनुभाग-1 के शासनादेश संख्या-503/43-2-2008 दिनांक 21.5.2008 में पद सृजन सहित अन्य अभिलिखित पत्रावलियों के रख-रखाव की व्यवस्था है। उक्त व्यवस्था का समुचित अनुपालन न हो पाने की स्थिति में उपर्युक्त स्थिति उत्पन्न हुई है तथा मा0 उच्च न्यायालय लखनऊ खण्डपीठ लखनऊ द्वारा उपरोक्तानुसार आदेश पारित किये गये हैं।

3— अतः उपर्युक्त वर्णित स्थिति तथा प्रश्नगत याचिका संख्या-7176(एस0एस0)/2014 उदय प्रताप सिंह व 15 अन्य बनाम उ0प्र0 राज्य व अन्य में पारित मा0 उच्च न्यायालय के आदेश दिनांक 21.12.2015 के क्रम में पद सृजन सहित अन्य समस्त अभिलिखित पत्रावलियों का रख-रखाव सचिवालय नियम संग्रह (सेक्रेटेरियट मैनुएल) के अध्याय-6 के प्रस्तर-194 में तथा प्रशासनिक सुधार अनुभाग-1 के शासनादेश संख्या-3339/तैतालिस-1-92-37(1)/84 दिनांक 30.1.1993 तथा तत्कम में पत्र संख्या-1512/43-1-99-37(1)/84 दिनांक 04.8.1999 द्वारा निर्गत दिशानिर्देशों के अनुपालन में पूर्व निर्धारित व्यवस्था के अन्तर्गत सुनिश्चित करें। इसके अतिरिक्त अभिलेखों के समुचित रख-रखाव हेतु दायित्व का निर्धारण भी कर दिया जाय।

कृपया उपर्युक्त निर्देशों का कड़ाई से अनुपालन सुनिश्चित करायें।

भवदीय,

(आनंद रंजन)
मुख्य सचिव।
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