

**(1997) 07 AHC CK 0152**

**In the Allahabad High Court**

**Case No :** Civil Miscellaneous Writ Petition No. 37 of 1996

Abdul Hasan Quraishi

APPELLANT

Vs

State of Uttar Pradesh

RESPONDENT

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**Date of Decision :** 11-07-1997

**Acts Referred:**

**Citation :** (1997) 07 AHC CK 0152

**Hon'ble Judges :** R.R.K.Trivedi, J

**Final Decision :** Allowed

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## **Judgement**

R. R. K. Trivedi, J.—In this petition counter and rejoinder affidavits have been exchanged. Learned Counsel for parties have agreed that this petition may be decided finally at this stage.

2. The petition has been filed for a direction respondent No. 4 Regional Commandant (Home Guards), Allahabad Region, Allahabad to appoint petitioner as Urdu Translator in pursuance of his selection dated 1821995. There is no dispute about the fact that petitioner was selected for being appointed as Urdu

Translator. However, from counteraffidavit it appears that appointment was refused to petitioner on the ground that there is already one post on which a steno is working in the office of respondent No. 4, hence petitioner could not be appointed.

3. Learned Counsel for petitioner, on the other hand, placed reliance on the order dated 2081994, Annexure4 to the writ petition, by which additional posts have been created in various departments to accommodate Urdu Translators. The office of the Regional Commandant (Home Guards) is one of the offices mentioned in the order. It appears that this controversy was also raised before the Commissioner, Allahabad Division, Allahabad and by his order dated 2821995, he has clarified the position and has stated that if any post of junior clerk is not vacant for appointment of Urdu Translator, a supernumerary post should be created and Urdu Translator should be appointed on such post and he

shall continue on supernumerary post upto the date when some vacancy occurs in the post of Junior Clerk.

4. In my opinion, after this order of the Commissioner dated 28 21995, there remains no doubt that petitioner ought to have been given appointment on the basis of his selection dated 1821995.

5. In para 9 of the counteraffidavit, it has been stated that in pursuance of the order dated 2081994 one Mohammad Yunus was already appointed as Urdu Translator at Fatehpur in the office of the District Commandant and order to this effect was issued on 7 31995. However, in my opinion, this appointment could not be treated as an appointment in the office of the Regional Commandant referred to in the order dated 2081994.

6. For the reasons stated above, as in my opinion, the petition deserves to be allowed and the petitioner is entitled for the relief, the respondents are directed to appoint petitioner without any further delay in pursuance of the selection, as Urdu Translator and the order passed by the Commissioner, Allahabad Division, Allahabad, on 2021995, Annexure2 to the writ petition. No order as to costs.