

(2003) 08 AHC CK 0024
In the Allahabad High Court
Case No : C.M.W.P. No. 27076 of 1999

Anil Kumar

APPELLANT

Vs

District Judge

RESPONDENT

Date of Decision : 26-08-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 6 AWC 5130

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Advocate : Arun Tandon, for the Appellant;

Final Decision : Dismissed

Judgement

Rakesh Tiwari, J.—Heard counsel for the parties and perused the record.

2. The Petitioner was appointed as process server/office peon in the Judgeship of Etah, vide Annexure-1 in the pay scale of Rs. 750-940. His services were purely temporary and were liable to be terminated without notice. The appointment letter dated 22.9.1997 is as under:

Sri Anil Kumar S/o Late Sri Chandrabhan Singh R/o 1/101, Kaley Ka Tal Delhi Gate, Agra

You are hereby appointed on the post of process server/office-peon in Etah Judgeship against a clear vacancy. In the pay scale of Rs. 750-940. Your services are purely temporary and are liable to be terminated even without notice.

Sd/- R.P. Singh District Judge, Etah.

3. By the order dated 2.4.1999, services of the Petitioner were terminated by the District Judge by giving one month's salary in lieu of notice, as work of the Petitioner was not satisfactory and name of the Petitioner was ordered to be deleted from the list of candidates for Class IV employees. The counsel for the Petitioner contends that work of the Petitioner was satisfactory and that order of

termination had been passed by the District Judge on irrelevant considerations. It is further contended that the Petitioner was appointed against clear post and that an incorrect statement was made in the impugned order that services of the Petitioner were not required and that his services have been terminated in order to accommodate some other employee.

4. The averments are wholly vague and no material to establish that any other employee had been appointed in his place, as alleged by the Petitioner in his writ petition, has been brought to the notice of this Court.

5. The counsel for the Petitioner has failed to point out any illegality or infirmity in the impugned order.

6. It is settled law that a temporary employee has no right to claim permanency automatically. He can be confirmed only after following the Rules of appointment. It is not a fit case for interference under Article 226 of the Constitution of India.

7. For the reasons stated above, writ petition fails and is dismissed. There is no order as to costs.