

(2007) 09 AHC CK 0015
In the Allahabad High Court

Ashok Kumar and Others

APPELLANT

Vs

U.P. State Warehousing Corporation Ltd. and Others

RESPONDENT

Date of Decision : 03-09-2007

Acts Referred:

Citation : (2008) 116 FLR 107

Hon'ble Judges : S.S. Chauhan, J

Bench : Single Bench

Judgement

S.S. Chauhan, J.—Heard learned Counsel for the petitioner and the learned Counsel for the U.P. State Warehousing Corporation.

2. The petitioners by means of the present writ petition are claiming regularization on different posts as they allege that they are working continuously since 2000 and the opposite parties are bound to consider their claim for regularization.

3. Submission of the learned Counsel for the petitioners is that some of the petitioners belong to the reserved category i.e. S.C. and O.B.C., but an advertisement has been made with respect to filling up of backlog vacancies of reserved category and the claim of the petitioners is not being considered. The petitioners claim that they may be considered ignoring the age bar and due weightage should be given in regard to their past services.

4. In support of his contention, learned Counsel for the petitioners has placed reliance on the case of Yamuna Shankar Sharma Vs. State of Rajasthan and Others, specifically drawing attention of the Court to para 8 of the report whereby the judgment of the High Court has been approved by the Apex Court. It was directed by the Division Bench in the said case that while subjecting the! person concerned for selection process, past services rendered by them will be given due weightage and it was also directed that they were not treated to be overage for the purposes of consideration. In para 12 of the said report the Apex Court held that the conclusion of the High Court in the matter of regularization

has been suffering from no infirmity.

5. The petitioners are also claiming the same and identical relief for their consideration. The recommendation has already been made in favour of the petitioners by the departmental authorities. The petitioners in this regard have moved various representations, contained in Annexure Nos. 4 to 6 and prayed that they may be adjusted and regularized against those vacancies.

6. In response to the argument of the learned Counsel for the petitioners, learned Counsel for the Corporation submits that there are no rules for regularization and neither the petitioners can be regularized against the special drive meant for filling up of backlog vacancies.

7. Considering over all facts and circumstances of the case, the opposite parties are directed to consider the case of the petitioners in response to the advertisement and give due weightage to their past services and age bar will not come in the way of petitioners' consideration.

8. With the above observations and directions, the writ petition is disposed of finally.