
(2014) 08 AHC CK 0020
In the Allahabad High Court
Case No : C.M.W.P. No. 583 (S/S) of 2011

Atma Ram Verma and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 13-08-2014

Acts Referred:

Citation : (2014) 6 AWC 6377

Hon'ble Judges : B. Amit Sthalekar, J

Bench : Single Bench

Advocate : Piyush Kumar Singh, Harinam Singh and S.S. Mishra, Advocates for the Appellant; R.N. Gupta, Advocates for the Respondent

Judgement

B. Amit Sthalekar, J.—Restoration Application No. 71139 of 2014 dated 2.8.2014 is taken up.

2. This application has been filed with a prayer to recall the order dated 3.7.2014 whereby the writ petition has been dismissed for non-prosecution.

3. Perused the averments made in the affidavit filed in support of the recall application. Sufficient cause has been shown. Application is allowed. The order dated 4.7.2014 is recalled and the case is restored to its original number.

4. The petitioner is aggrieved by the order dated 27.12.2010 (Annexure-1 to the writ petition) whereby the Khand Vikas Adhikari, Hardoi has held that no person shall be appointed as Gram Rojgar Sewak if he is related in any manner with the Gram Pradhan or Gram Panchayat.

5. Heard Shri Shiv Shanker Mishra, learned counsel for the petitioner and Shri Badraul Hasan, learned Addl. Chief Standing Counsel for the State-respondent.

6. It is not disputed by the learned counsels that after the petitioners were engaged for a period of 11 months on the post of Gram Rojgar Sewak. The mother of the petitioner No. 1 is stated to have been elected as Pradhan of Gram Panchayat Hasnapur Vikas Khand Baligram, Hardoi and in the case of petitioner

No. 2, his wife was elected as Pradhan of the Gram Panchayat Parcham Rasoolpur Bilhauri, Hardoi.

7. The submission of learned counsel for the petitioners is that the G.O. dated 23.11.2007 (Annexure-2 to the writ petition) provides that no person shall be engaged as Gram Rojgar Sewak if his near relative is a Member of the Gram Panchayat by way of Gram Pradhan, Up Gram Pradhan or Member. The category of family includes father, mother, grandfather, father-in-law, husband or wife, daughter-in-law, sister, husband or wife. The contention of the learned counsel for the petitioner is that the petitioner Nos. 1 and 2 were both engaged as Gram Rojgar Sewak prior to the election of the mother of the petitioner No. 1 and wife of the petitioner No. 2 being elected as Gram Pradhan respectively and, therefore, they were entitled for renewal of their term as Gram Rojgar Sewak on the expiry of 11 months.

8. In my opinion this is not permissible under the G.O. dated 23.11.2007 for the simple reason that the appointment is made only for 11 months on contract basis subject to the renewal after 11 months. If in the meantime any relative of the Gram Rojgar Sewak is elected as Gram Pradhan such a Gram Rojgar Sewak cannot expect his period of contract to be renewed again and again, even after the election of his near relative as Gram Pradhan.

9. In this view of the matter the writ petition lacks merit and is accordingly dismissed.