
(2002) 10 AHC CK 0166
In the Allahabad High Court
Case No : C.M.W.P. No. 36848 of 1996

Dilip Kumar Dwivedi

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 11-10-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 1 AWC 57 : (2003) 96 FLR 103

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : K.S. Mishra, for the Appellant;

Final Decision : Dismissed

Judgement

Anjani Kumar, J.—Petitioner filed this writ petition under Article 226 of the Constitution of India with the following prayers :

"(a) to issue a writ, order or direction in the nature of certiorari quashing the illegal appointment letter vide Annexure-4 and no speaking order dated 16.10.1996 vide Annexure-6 in consequence and in pursuance of Annexure-4 and restrain the respondent No. 2 not to do the posting of respondent No. 3 during pendency of this writ petition.

(b) to issue a writ, order or direction in nature of mandamus commanding the respondent No. 2 to appoint the petitioner in the post of Junior Account Clerk according to G.O. vide Annexures-3 and 3A to this writ petition with all consequential benefits and all reliefs ;

(c) to issue any other suitable writ, order or direction which this Hon''ble Court may deem fit and proper under the circumstances of the case ;

(d) to award cost of the petition to the petitioner."

2. Prior to filing of the present writ petition, petitioner had earlier approached this Court by means of Writ Petition No. 31434 of 1996 which was decided on

3.10.1996, with the direction to the respondents to decide petitioner's representation. The authorities considered the representation of the petitioner pursuant to the direction of this Court and rejected the same as having no force. The petitioner's case was solely dependent on the ground that the petitioner according to the Government Orders dated 20.12.1995 and 13.10.1992, is entitled for absorption as retrenched employee. The petitioner, who was appointed on ad hoc basis as Junior Account Clerk, claimed that he is entitled for absorption on regular basis on the post of Junior Accounts Clerk, Padrauna, district Mahoba and neither any appointment on regular basis has yet been made nor the vacancy is advertised. A perusal of the Government orders and the impugned order shows that the petitioner having not been appointed after following the procedure prescribed, has no right to be appointed or to continue against a post which ought to have been filled in after holding regular selection.

3. In my opinion, the respondents committed no error, much less error of law, in rejecting the petitioner's representation. No other point was argued.

4. In this view of the matter, the petition is dismissed being devoid of any merit.