

(2024) 03 UK CK 0109
In the Uttarakhand High Court
Case No : Special Appeal No. 454 Of 2018

Dinesh Chandra Bahuguna

APPELLANT

Vs

U.P. Rajkiya Nirman Nigam Ltd. And Others

RESPONDENT

Date of Decision : 21-03-2024

Acts Referred:

Citation : (2024) 03 UK CK 0109

Hon'ble Judges : Ritu Bahri, CJ; Rakesh Thapliyal, J

Bench : Division Bench

Advocate : C.D. Bahuguna, Ravindra S. Rawat, Anil Kumar Joshi

Final Decision : Allowed

Judgement

Ritu Bahri, CJ

1. Counsel for the respondents states that, in the year 2015, vacancies of General Category candidates were available. Hence, the General Category candidates, who were regularized w.e.f. 1991, could have been also accommodated, and given the same benefit.

2. The respondents, vide order dated 26.06.2015 (Annexure-S.A.2), have regularized some of the persons belonging to General Category w.e.f. 05.08.1985. There is another order ? Annexure-S.A.5 dated 15.01.2016, whereby also a General Category candidate Ravindra Bajpayee had been regularized w.e.f. 31.07.1991. Annexure-S.A.6 is another order dated 15.01.2016, whereby Manmohan Singh Rauthan had been regularized w.e.f. 31.07.1991. Annexure S.A.7 to Annexure S.A.10 are all similar orders dated 15.01.2016, whereby Suresh Chandra Joshi, Mohd. Meesam Rizvi, Abbal Singh Rawat and Santosh Kumar have been regularized w.e.f. 31.07.1991. All these orders have been passed with respect to General Category candidates.

3. Since learned counsel for the respondents has stated that there were vacancies available for General Category candidates in the year 2015, the

petitioner cannot be denied the benefit of regularization, at par with the persons, who had been regularized w.e.f. 24.11.1998. In this backdrop, the Writ Petition of the appellant-writ petitioner deserves to be allowed.

4. Accordingly, the order dated 17.05.2018 passed in Writ Petition (S/S) No. 1976/2014 is set aside, and the Writ Petition is allowed. Consequently, the present Special Appeal is also allowed.

5. A direction is being given to the respondents to pass an appropriate order within three weeks, and inform this Court. After giving the benefit of regularization to the appellant-writ petitioner from 1998, he will be given the benefit of re-fixation of pay.

6. Pending application(s), if any, also stand disposed of accordingly.