
(2007) 03 AHC CK 0184
In the Allahabad High Court

Firoz Khan

APPELLANT

Vs

State of U.P., Chairman, Nagar Palika Parishad and Executive
Engineer, Nagar Palika

RESPONDENT

Date of Decision : 01-03-2007

Acts Referred:

Citation : (2007) 6 AWC 6576 : (2007) 113 FLR 616

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

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

2. The petitioners were working on contract basis. Their services have been terminated vide impugned order dated 31.10.2006 on the ground that they were appointed on contract basis. Subsequently it appears that an advertisement dated 16.1.2007 for appointments of Clerks-cum-Typist, Computer Operator, Lineman, Drivers and Class IV Staff on contract basis were issued by Nagar Palika Parishad, Charkhari, Mahoba as their services were again required for doing the same work which the petitioners had earlier done. The petitioners allege to have applied for their appointment in pursuance of the said advertisement dated 16.1.2007, but the respondents are reluctant to appoint the petitioners again.

3. The learned Counsel for the petitioners states that the impugned order terminating the services of the petitioners is mala fide, arbitrary and illegal in order to deny regularisation of their services as they allege to have already worked for more than 240 days in a calendar year.

4. Admittedly the petitioners were working on contract basis. They are not employees of the Nagar Palika Parishad, Charkhari, Mahoba which may be their principal employer for the purposes of Contract Labour Regulation and Abolition Act. If order for regularisation of such contract workers are issued by the High

Court irrespective of the sanctioned strength of the posts it will create a dangerous situation of over staffing and critically effect the financial health of the Nagar Palika Parishad. Mere continuous working for 240 days in service with the contractor would not vest them with any legal right of absorption or regularisation in the Nagar Palika Parishad, but they may be entitled to retrenchment compensation from the employer, i.e., the contractor if their services are retrenched.

5. In the circumstances, the Nagar Palika Parishad may consider Appointing the petitioners along with other candidates in pursuance of the foresaid advertisement as they have already worked in the Nagar Palika Parishad, Charkhari, Mahoba.

6. In so far as the question of termination of their services is concerned, the petitioners may approach the Labour Court for redressal of their grievance against their areal employer, i.e., the contractor.

7. It is made clear that in case the Nagar Palika Parishad requires the services of the petitioners in the mean time it may call upon the petitioners to do that work.

8. The writ petition is accordingly disposed of. No order as to costs.