

(1997) 07 AHC CK 0192

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 7613 of 1990

Hriday Ram

APPELLANT

Vs

Bal Vikas Pariyojana Adhikari/Karyakram Adhikari and
Another

RESPONDENT

Date of Decision : 31-07-1997

Acts Referred:

Citation : (1997) 3 UPLBEC 1721

Hon'ble Judges : Alope Chakrabarti, J

Bench : Single Bench

Advocate : Aditya Kumar Yadav, for the Appellant;

Final Decision : Allowed

Judgement

Alope Chakrabarti, J.—This writ petition was filed on a contention that the petitioner was appointed as Choukidar on daily wage basis in office of Pariyojana Adhikari, Bal Vikas Pariyojana Dumariaganj, Basti by the respondent No. 1. When petitioner's service was terminated in December, 1988 he made a representation. Thereafter an order was passed on 14-3-1989 by the Director, Bal Vikas Seva Evam Puspahar, Uttar Pradesh (Annexure No. 4 to the writ petition) directing reinstatement of the petitioner, After fortnight or such reinstatement, the petitioner was again Terminated by order dated 29-3-1989 at Annexure No. 5 to the writ petition. The said order is under challenge in this writ petition.

2. The respondents have filed counter-affidavit and they have also annexed a copy of the order dated 28-3-1989 (Annexure 1 to the counter-affidavit) which is the basis of the order impugned in the writ petition as is apparent from the Annexure No. 5 of the writ petition.

3. After considering the respective contentions of the parties and looking into the materials available on record, it appears that the termination of the petitioner was directed by order dated 28-3-1989 although some enquiry still then was

pending and some explanation was sought for from the concerned officer incharge of Bal Vikas Pariyojana. In such circumstances the termination of the petitioner from his service, particularly when the enquiry referred to thereunder was still pending and the authority concerned was again being asked to file his reply can not be sustained.

4. Accordingly, the writ petition succeeds and allowed. The impugned order dated 29-3-1989 at annexure No. 5 to the writ petition is hereby quashed. The respondents are directed to allow the petitioner to continue with same terms and conditions on the same post on which he was earlier working and pay him salary in accordance with law. I make it clear that this order will not prevent the appropriate authority to take appropriate steps in respect of employment of other Chowkidar Ram Karan as referred to in the order dated 29-3-1989.