
(2003) 09 AHC CK 0177
In the Allahabad High Court
Case No : Writ Petition No.2565 of 1999(S/S)

Jagdish Prasad and Others

APPELLANT

Vs

Collector, Kheri and Another

RESPONDENT

Date of Decision : 04-09-2003

Acts Referred:

Citation : (2003) 09 AHC CK 0177

Hon'ble Judges : I.M.Quddusi, J

Final Decision : Allowed

Judgement

I.M. Quddusi, J.

1. Heard learned counsel for the parties.
2. The facts giving rise to the present petition are that the petitioners were initially appointed as Seasonal Collection Peon in the year 1992 except the period for which artificial breaks were given. Their work and conduct have also been satisfactory and appreciated by the higher authorities and there exists no adverse remarks or complaint against them. They claim regularization of their services on that basis.
3. On 8.1.1996, the State Govt. vide Notification No.57/1796 issued procedure for recruitment to the post of regular collection Peon, according to which 50% of the total vacancies shall be filled from amongst those seasonal collection peons who have worked satisfactorily for at least four seasons. The mode of selection shall be suitability and experience of work.
4. The language of the aforesaid notification shows that although 50% of the total vacancies will be filled in through selection but the basis of the selection will be seniority subject to rejection of unfits. In view of this, it is necessary to maintain a seniority list of the Seasonal Collection Peons at the Tehsil level by the collectors of the concerned districts. The right of the consideration of the senior will be superior in comparison to the right of juniors placed in the seniority list.

5. In case, the petitioner have been working as Collection Peon in adhoc capacity, they shall not be discontinued to give artificial break and shall be allowed to continue till the directions given below are followed.

6. In view of the above mentioned facts and circumstances, the writ petition is allowed and a writ in the nature of mandamus is issued commanding the respondents that:

4. Fifty percent of the vacancies shall be filled from the seniority list by selection on the basis of seniority subject to rejection of unfit in accordance with the Notification dated 8.1.1996 and in the light of directions made herein above.

5. The opposite parties shall not make any appointment from other source till the vacancies are filled from amongst Seasonal collection Peons in accordance with the notification dated 8.1.1996.

6. The existing vacancies from the above source shall be filled in accordance with notification dated 8.1.1996 within two months from the date of presentation of a certified copy of this order before the collector concerned by the petitioner.

7. There will be no order as to costs.

(Petition allowed)