
(2003) 04 AHC CK 0283
In the Allahabad High Court
Case No : C.M.W.P. No. 38554 of 1999

Jai Ram Prasad

APPELLANT

Vs

U.P. State Road Transport Corporation and Others

RESPONDENT

Date of Decision : 22-04-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 5 AWC 4397

Hon'ble Judges : Vineet Saran, J

Bench : Single Bench

Advocate : Rajeev Misra, for the Appellant; Avanish Mishra, for the Respondent

Final Decision : Dismissed

Judgement

Vineet Saran, J.—Counter and rejoinder-affidavits have been exchanged between the parties. With the consent of the learned Counsel for the parties this writ petition is being disposed of at the admission stage.

2. Heard learned Counsel for the parties.

3. By means of this writ petition the Petitioner has prayed for a direction to the Respondents U.P. State Road Transport Corporation, Azamgarh, to pay salary of Assistant Grade-II to the Petitioner from 17.6.1980 to 4.3.1987 and for a further direction to the Respondents to regularize the services of the Petitioner on the post of the Office Assistant Grade-II and accordingly pay his salary and adjust him in the seniority list.

4. Brief facts of the case are that the Petitioner was employed as labourer on temporary basis on 17.2.1979. On the basis of a forged circular, the Petitioner was selected/promoted as Office Assistant Grade-II vide order dated 4.3.1987. Later when it was found that there was no circular issued on the basis of which order has been passed in favour of the Petitioner, the Petitioner was reverted from the post of Office Assistant Grade-II to the post of labourer. Aggrieved by the said order the Petitioner filed writ petition, which was dismissed. Thereafter

the Petitioner raised a dispute before the labour court and by order dated 21.12.1998, which has been filed as Annexure-10 to the writ petition, the labour court held that the promotion was granted to the Petitioner on the basis of a forged circular and as such the order of reversion was held to be just and proper. In such background, the Petitioner has stated that even though he may not have been appointed/selected/promoted as Office Assistant Grade-II, but since the Respondents have taken work of clerk from the Petitioner during the period 17.6.1980 to 4.3.1987, he is entitled to payment of salary on such post and not on post of labourer.

5. In view of the fact that no material has been placed by the Petitioner that he was working as Office Assistant Grade-II, as clerk on a Class-III post and also because the Petitioner had sought promotion on the basis of false and fabricated document, he is not entitled for any discretionary relief under Article 226 of the Constitution of India. The further prayer for a direction to the Respondents to regularize the services of the Petitioner as Office Assistant Grade-II cannot be granted as the Petitioner has not been able to establish any right to be promoted on such post.

6. In view of the above the writ petition being devoid of merit, is accordingly dismissed. However, there shall be no order as to costs.