

**(2009) 05 AHC CK 0588**  
**In the Allahabad High Court**

Krishna Kumar Singh

APPELLANT

Vs

State of U.P.and others.

RESPONDENT

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**Date of Decision :** 13-05-2009

**Acts Referred:**

**Citation :** (2009) 05 AHC CK 0588

**Hon'ble Judges :** Pradeep Kant, J and Syed Nazim Husain Zaidi, J

**Final Decision :** Disposed Of

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## Judgement

S.N.H. Zaidi, J.

This special appeal has been filed with delay of few months, but learned counsel for the State has no objection in condoning the delay.

We also do not find any reason for not condoning the delay and throw the appeal on the ground of delay. The delay is condoned.

This special appeal challenges the order passed by the learned Single Judge dated 14.1.09, by means of which, the claim of the appellant for challenging the order dated 13.6.06 has been rejected and his prayer for giving all consequential benefits of service with effect from the year 1994 on the post of Nayab Tehsildar has also been rejected.

The appellant is a promotee Tehsildar from the cadre of Registrar Kanoongo. He claims that he is entitled to the service benefits on the promotional post of Tehsildar right from 11.10.1994 in terms of the Government Order dated 15.2.1994.

The learned Single Judge has found that there were three feeding cadres for promotion to the post of Nayab Tehsildar, namely, Registrar Kanoongo, Revenue Inspector and Collection Amin and each cadre having their own seniority list.

The plea of the appellant is that persons junior to him were promoted and he was ignored, has been rejected after holding that there is specific case of the

respondents that no person junior to the appellant in the cadre from which he has been promoted, has been promoted.

The learned Single Judge has also recorded a finding that the appellant's promotion cannot be compared with a different cadre.

We do not find any illegality in the aforesaid order.

Before us, learned counsel for the appellant has further argued that in terms of the Government Order dated 15.2.1994, the appellant was entitled to the service benefits on the promotional post of Tehsildar right from 11.10.1994, when he was given the charge in local arrangement.

The appellant had made a representation to the District Magistrate, Sitapur and had also filed a writ petition, bearing Writ Petition No. 2331 (SS) of 1994, wherein it was directed that the representation be decided. The said representation was considered by the District Magistrate, Sitapur, who observed that in terms of the Government Order dated 15.2.1994, even for promotion in local arrangement, the appellant was not eligible, as the requisite length of service was not available to his credit, he having been confirmed on his post on 1.8.1992 and, therefore, he was not eligible for being promoted even in local arrangement and, therefore, the order dated 23.4.1994 was set aside.

The order dated 16.8.1994 was passed by the District Magistrate, Sitapur in pursuance of the directives issued in the interim order dated 2.5.1994. The writ petition was finally disposed of vide order dated 13.11.1996 with a direction that the representation be disposed of.

In pursuance of the aforesaid directives, the Board of Revenue decided the representation vide its order dated 13.6.1996 and found that at the time of regular promotion, the respondent (appellant) being a junior person, could not find his place in the zone of consideration and, therefore, he was not promoted.

The plea of the appellant that he was entitled to the service benefits from the date of his local arrangement, i.e. 11.10.1994, it has been observed that the appellant joined on the post of Nayab Tehsildar on 11.10.1994 and, therefore, from the date he joined and on the dates when he worked on the said post, he has already been paid salary of the post.

On the plea that the persons junior or other persons have been given the service benefits, the order says that they belonged to different cadres and, therefore, no comparison can be made.

Learned counsel for the appellant has not been able to show any document or order or any ground, which entitles him to the service benefits, other than the benefits which have already been granted.

The special appeal has no force and is dismissed.