
(2013) 10 AHC CK 0042

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 64251 of 2008

Manoj Kumar Chaudhary and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 01-10-2013

Acts Referred:

Citation : (2014) 1 UPLBEC 283

Hon'ble Judges : B. Amit Sthalekar, J

Bench : Single Bench

Advocate : P.S. Baghel and Sri U.P. Srivastava, for the Appellant; O.P. Singh, Sri R.M. Pandey and Sri V.B. Singh, for the Respondent

Judgement

B. Amit Sthalekar, J.—I have heard Shri Pankaj Srivastava, learned Counsel for the petitioner, Shri Radha Mohan Pandey, learned Counsel appearing for the Warehousing Corporation-respondents No. 2, 3 and 4 and the learned standing Counsel appearing for the respondent No. 1. By this writ petition the petitioners have challenged the advertisement dated 13.11.2008 and also prayed for a mandamus directing the State Government to take a decision on the resolution of the Board of Directors dated 9.7.2007. It is submitted by Shri Pankaj Srivastava, learned Counsel for the petitioner that the Board of Directors has forwarded its resolution and it is in this view of the matter that he has sought the relief No. 2 in the writ petition.

2. Briefly stated, the facts of the case are that the petitioners were engaged in the U.P. State Warehousing Corporation-respondent No. 2 as daily wages. They were working as casual clerks and casual labours for several years. On 9.7.2007 a resolution was passed by the Board of Directors for regularization of the petitioners who have been working for the last several years and this recommendation has been forwarded to the State Government, as stated in paragraph 8 of the writ petition. It is also stated that the Managing Director has sent a request letter on 14.1.2005 to the State Government for creation of new posts in the Corporation.

3. At the time of admission of this writ petition on 22.1.2009, relying upon an interim order passed by the Lucknow Bench of this Court in writ petition No. 7621 of 2008 (Ram Naresh and others v. State of U.P. and others) this Court had directed that till further orders of the Court the respondents be restrained from filling up the vacancies in question unless the services of the petitioners as well as other employees are considered for regularization in terms of the resolution of the Board of Directors dated 9.7.2007 followed by the Government Order dated 22.9.2008.

4. The interim order passed by the Lucknow Bench of this Court in writ petition No. 7621 of 2008 reads as under:

Till further orders of this Court respondents are restrained from filling up the vacancies in question unless the services of the petitioners as well as other employees are considered for regularization in terms of the resolution of the Board of Directors dated 9.7.2007 followed by the Government Order of 22.9.2008.

5. It is pointed out by learned Counsel for the petitioners that subsequently writ petition No. 7621 of 2008 was allowed and the impugned advertisement dated 13.11.2008, also under challenge in the present writ petition was quashed. Aggrieved by the order of the learned Single Judge, the State Warehousing Corporation filed special appeal No. 399 of 2011 which was dismissed by judgment dated 20.3.2013. Certain persons who are stated to have been appointed pursuant to the advertisement filed SLP No. 12793 of 2013. The said SLP has also been dismissed by order dated 29.7.2013. Thereafter another matter of a similar nature came up before the learned Single Judge of Lucknow Bench in writ petition 2620 of 2013 Smt. Rajni and others v. Chairman, U.P. State Warehousing Corporation, and the Court was pleased to dispose of the said writ petition on 8.5.2013 by the following order: The petitioners are claiming the benefit of the Division Bench judgment of this Court dated 20.3.2013 in the case of U.P. State Warehouses Corporation v. Sunil Kumar Srivastava and another, Special Appeal No. 399 of 2011. Having perused the same, it appears that the petitioners are also raising the claim for regularization. In view of the issues already decided by the Division Bench, let the claim of the petitioners be also considered in accordance with law by the respondent-Corporation.

This writ petition, therefore, is also disposed of in terms of the order dated 8.5.2013 passed in writ petition (S/S) No. 2620 of 2013.