

(2012) 01 AHC CK 0227

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 2102 of 2012

Manoj Kumar Srivastava and thers

APPELLANT

Vs

State of Uttar Pradesh and others

RESPONDENT

Date of Decision : 12-01-2012

Acts Referred:

Citation : (2012) 01 AHC CK 0227

Hon'ble Judges : V.K. Shukla, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hon"ble V.K. Shukla, J.—Petitioners claim that they are employee of Census Department and had performed and discharged his duty in census department in the year 1991. Petitioners have approached this court contending therein that he should be absorbed against the existing vacant post of Group "C" employee in district Basti, and the order passed refusing said relief is liable to be quashed.

2. In respect of Census employee, Government Order has been issued on 21.08.2007 extending certain relaxation to census employees in the matter of employment and nothing beyond the same and further in Government Order dated 09.10.2007 pursuant to order passed in Contempt proceedings in respect of petitioners of the aforesaid writ petition specific orders have been passed which is to ultimately abide by outcome of the writ petition. In such a situation and in this background only benefit which has been extended to census employee is that of relaxation in age and Government Order dated 09.10.2007 is limited to only petitioners of the aforesaid writ petition which were pending. Claim made by petitioners for absorption cannot be accepted.

3. After respective arguments have been advanced factual situation is that matter in respect of retrenched employees to census department matter traveled up to Hon"ble Apex Court in the case of Union of India and others Vs. Dinesh Kumar Saxena and others, and therein Hon"ble Apex Court gave categorical

direction that retrenched employees will have right to be considered only and that too if they fulfill other norms laid down in connection with the post in question under the recruitment rules or in the departmental circulars issued in this behalf. Hon"ble Apex Court had conferred limited right to be considered and that too if incumbents were fulfilling other norms in relation to post in question under the recruitment rules or departmental circulars issued in this behalf. Nowhere Hon"ble Apex Court had ever given any direction for absorption of the incumbents in the regular establishment.

4. This Court in Civil Misc. Writ Petition No. 23649 of 2008 (Ajit Raizada & others Vs. State of U.P. and others) decided on 21.02.2011 in respect of incumbents who had worked for about eight months in the Census department in the year 2001, and had approached this Court, for extending benefit of regularizing said request has been extensively dealt with and therein view taken has been that only relaxation which has been extended is relaxation in age and incumbents will have to contest with the other aspirants in a process of recruitment under statutory rules so as to compete for a public employment in accordance with Constitutional scheme of equal opportunity of employment to all. Once such is the factual scenario then there is no occasion for this Court to interfere in the matter and the opinion which has been so formed is correct opinion.

5. Consequently, present writ petition is dismissed.