
(1992) 11 AHC CK 0037

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 4948 of 1989

Mirtunjai Singh

APPELLANT

Vs

Regional Administrative Committee (U.P. Primary Cooperative
Credit Society. Centralised Services) Committee and Others

RESPONDENT

Date of Decision : 05-11-1992

Acts Referred:

Citation : (1992) 4 AWC 217 Supp : (1993) 1 UPLBEC 309

Hon'ble Judges : D.P.S. Chauhan, J

Bench : Single Bench

Advocate : Shiv Shankar Pandey, for the Appellant; O.P. Singh, for the Respondent

Final Decision : Allowed

Judgement

D.P.S. Chauhan, J.—By means of this petition the Petitioner has challenged the order of termination of his services dated 30-7-1985 issued by the Secretary, District Administrative Committee, Ghazipur and also the order passed in appeal filed there against, which is undated and is Annexure 6 to the petition

2. Heard learned Counsel for the Petitioner and the learned Counsel for the Respondents, Sri O. P. Singh.

3. learned Counsel for the Petitioner has stated that, in paragraph 21 of the petition, the Petitioner has stated that he pressed all his grounds taken in paragraph 9 (a) to (i) of the memo of appeal. The memo of appeal is Annexure 5 to the petition and the same contains the relevant grounds. The allegation, as made in paragraph 21 of the petition, has not been denied in the counter affidavit.

4. learned Counsel for the Petitioner submitted [that the Petitioner was appointed on a regular post on probation for a period of two years, and this point he pressed before the appellate authority, but the appellate authority did not consider it. In this connection, he relied upon a decision of this Court, Sunil

Kumar Srivastava v. Managing Director, U.P. Financial Corporation 1990 (3) UP LB EC 1592.

5. Secondly, he submitted that there is no requirement of law regarding approval, and this point he agitated before the appellate authority, but the appellate authority did not consider the same. In this connection, he placed reliance upon the decisions *Udai Shanker Singh v. Deputy Registrar, Co-operative Societies, Varanasi Region*, 1992 (1) UP LB EC 35, and *Bhagwan Prasad Sharma v. State of U.P.* 1991 (1) UP LB EC 17.

6. learned Counsel for the Respondents submitted that the Petitioner was an ad hoc appointee and, therefore, it cannot be said to be a regular appointment. The order of appointment is filed as Annexure 1 to the petition. It does not speak that the Petitioner was appointed on ad hoc basis. On the contrary, it clearly states that the Petitioner was appointed on a probation of two years, which is the requirement under the U.P. Primary Agricultural Cooperative Credit Societies Centralised Service Rules, 1976

7. The Supreme Court, in *Daman Singh and Others Vs. State of Punjab and Others*, laid down the principle that if any ground argued was not considered, it would be open to the parties aggrieved to draw the attention of the Court by filing an application for review or clarification. The same principle would be applicable to the authorities acting in a quasi judicial capacity. The authorities under the U.P. Primary Agricultural Cooperative Credit Societies Centralised Services Regulations, 1978, are the authorities which act, while deciding the appeal, in a quasi judicial capacity. I am not inclined to express any opinion on the points as raised by the learned Counsel for the Petitioner or on the points as raised in paragraph 9 and its sub-paragraphs of the memo of appeal. It would be open to the Petitioner to canvass all the points before the appellate authority, as I am inclined to relegate the Petitioner to go to the appellate authority, since the averment in the petition is that the Petitioner raised the grounds before the appellate authorities, as are stated by him in paragraph 9 of the memo of appeal, and the same have not been considered by the appellate authority.

8. The impugned order passed by the authority indicates that he has not considered and dealt with the points as raised by the Petitioner and since in the counter affidavit the allegations are not denied, I propose to allow the petition by setting aside the order of the appellate authority.

9. The writ petition is accordingly allowed and the order of the appellate authority (annexure 6 to the petition) is set aside. The appellate authority is directed to deal with the points as may be raised by the Petitioner, by a speaking order. A copy of the decision shall be supplied to the Petitioner. The appeal shall be decided within a month of the presentation of a certified copy of this order. No order as to costs.