

(2017) 04 AHC CK 0065

In the Allahabad High Court

Case No : Civil Misc. Writ Petition (S/S) No. 21229 of 2016

Munni

APPELLANT

Vs

State of U.P

RESPONDENT

Date of Decision : 20-04-2017

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2017) 5 ADJ 536

Hon'ble Judges : Rajan Roy, J.

Bench : Single Bench

Advocate : Service Single No.-21229 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 25403 of 2016; Manoj Kumar Misra, Advocate, for the Petitioner; C.S.C, for the Respondent; Civil Misc. Writ Petition (S/S) No. 19497 of 2016; Nagendra Kumar Dwivedi and Kapil Dev Chaubey, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 20140 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 20142 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 20146 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 20175 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 20194 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 20212 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 20499 of 2016; Arvind Kumar Pandey and Nagendra Kumar Dwivedi, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 20572 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 20580 of 2016; Arvind Kumar Pandey and Nagendra

Kumar Dwivedi, Advocates, for the Petitioner; C.S.C., Sudhir Kumar Pandey, for the Respondent; Civil Misc. Writ Petition (S/S) No. 20589 of 2016; Arvind Kumar Pandey and Nagendra Kumar Dwivedi, Advocates, for the Petitioner; C.S.C and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 20803 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 20804 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 20829 of 2016; Arvind Kumar Pandey and Nagendra Kumar Dwivedi, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 20880 of 2016; Ganga Prasad Srivastava, Advocate, for the Petitioner; C.S.C. and Ravindra Kumar Singh, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 20887 of 2016; Ajai Kumar Jaiswal and J.N. Singh, Advocates, for the Petitioner; C.S.C. and R.P. Singh, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 21224 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 21231 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 21235 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 21238 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 21243 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 21248 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 21250 of 2016; Nagendra Kumar Dwivedi and Arvind Kumar Pandey, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 21498 of 2016; Sanchit Shankar Asthana, Advocate, for the Petitioner; C.S.C, for the Respondent; Civil Misc. Writ Petition (S/S) No. 21535 of 2016; Sanchit Shankar Asthana, Advocate, for the Petitioner; C.S.C, for the Respondent; Civil Misc. Writ Petition (S/S) No. 21926 of 2016; Nagendra Kumar Dwivedi and Ashish Kumar Tiwari, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 6122 of 2014; Nagendra Kumar Dwivedi, Advocate, for the Petitioner; C.S.C., Madhur Kant Srivastava and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 22137 of 2016; Kapish Srivastava, Advocate, for the Petitioner; C.S.C. and M.K. Dixit, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 20315 of 2016; Sanchit Shankar Asthana, Advocate, for the Petitioner; C.S.C. and R.C. Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 4663 of 2015; Sanjeev Kumar, Advocate, for the Petitioner; C.S.C. and Ajay Kumar, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 28195 of 2016; Nagendra Kumar Dwivedi and Ashish Kumar Tiwari, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 29626 of 2016; Ranveer Singh and Suresh Kumar Tiwari, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ

Petition (S/S) No. 29645 of 2016; Ranveer Singh and Suresh Kumar Tiwari, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Verma, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 29649 of 2016; Ranveer Singh and Suresh Kumar Tiwari, Advocates, for the Petitioner; C.S.C and Sudhir Kumar Pandey, Advocates, for the Respondent; Civil Misc. Writ Petition (S/S) No. 29883 of 2016; Ranveer Singh and Suresh Kumar Tiwari, Advocates, for the Petitioner; C.S.C. and Sudhir Kumar Pandey, Advocates, for the Respondent

Final Decision : Disposed Off

Judgement

Rajan Roy, J.— Heard learned counsel for the parties.

2. This is a bunch of writ petitions.

3. This Court on 04.10.2016 has passed the following order :-

"Let a counter affidavit be filed by the learned Standing Counsel as well as by the learned counsel representing the Nagar Palika Parishad in respective cases within a period of four weeks.

Two weeks" time thereafter shall be available to the learned counsel for the petitioners to file rejoinder affidavit.

List after expiry of the aforesaid period.

On the basis of instructions received, learned Additional Chief Standing Counsel representing the State-respondents has stated that the contractual Safai Karamcharies, who were working in the local bodies in the State of Uttar Pradesh shall be considered for being regularized in service in terms of the provisions contained in the Government Orders dated 24.02.2016 and 13.08.2015. He has also stated that, however, only those contractual employees shall be considered for regularization in service, who were appointed lawfully, that is to say, in terms of the procedure prescribed in the Government Order dated 26.08.2005.

At this juncture, it is worthwhile to observe that so far as the contractual appointments made prior to issuance of the Government Order dated 26.08.2005 are concerned, whether they were appointed lawfully or not will depend upon the Government Order or any other law prevailing prior to the said Government Order i.e. 26.08.2005.

Accordingly, as an interim measure, it is directed that services of those Safai Karamcharies will also be considered to be regularized who were appointed on contractual basis in terms of the Government Order dated 26.08.2005 and also in terms of the provisions applicable for contractual appointments which were in vogue prior to issuance of the said Government Order dated 26.08.2005."

4. This writ petition has been filed challenging the advertisement dated 08.08.2016 inviting applications for the post of Safai Karmi for appointment on contract basis in the Nagar Palika Parishad, Gonda, Bahraich etc.

5. Sri Sudhir Kumar Pandey learned counsel appearing for Nagar Palika Parishad, Gonda informs that the advertisement in question has been withdrawn by the State Government and the petitioners are still working in Gonda. In view of withdrawal of the advertisement dated 08.08.2016 passed by the State Government the relief claimed in this regard has been rendered infructuous.

6. So far as the relief regarding for regularization etc. is concerned the same shall be considered in accordance with the relevant Rules and Government orders applicable as on date if they are eligible and fall within the zone of consideration and a decision shall be taken accordingly keeping in mind the observations made in the order dated 04.10.2016.

7. The writ petition is disposed of in the aforesaid terms.