
(2017) 04 AHC CK 0186

In the Allahabad High Court

Case No : 21229 of 2016, 20142 of 2016, 20146 of 2016, 20175 of 2016, 20194 of 2016, 25403 of 2016, 19497 of 2016, 20140 of 2016

MUNNI, & ORS.

APPELLANT

Vs

STATE OF U P THRU SECY NAGAR VIKAS LKO, & ORS.

RESPONDENT

Date of Decision : 20-04-2017

Acts Referred:

Citation : (2017) 04 AHC CK 0186

Hon'ble Judges : Rajan Roy

Bench : Single Bench

Advocate : Nagendra Kumar Dwivedi, Arvind Kumar Pandey, Sudhir Kumar Pandey, Ganga Prasad Srivastava, Ravindra Kumar Singh, Manoj Kumar Misra, Kapil Dev Chaubey, Ajay Kumar Jaiswal, J N Singh, Sanchit Shankar Asthana, Madhur Kant Srivastava, Kapish Srivastava, M K D

Final Decision : Disposed Off

Judgement

1. 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.