

(2003) 03 AHC CK 0036

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 64 of 2003

Om Prakash Srivastava

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 05-03-2003

Acts Referred:

Citation : (2003) 2 UPLBEC 1140

Hon'ble Judges : Prakash Krishna, J;M. Katju, J

Bench : Division Bench

Advocate : Ashok Khare and S.K. Singh, for the Appellant;

Final Decision : Allowed

Judgement

M. Katju, J.—Heard learned Counsel for the petitioner and the learned Standing Counsel. In this case on 6.1.2003 learned Standing Counsel as granted time to file counter-affidavit and thereafter on 11.2.2003 time was again granted for that purpose but no counter-affidavit has been filed till today. We are not inclined to grant any further time and are disposing of this writ petition.

2. The petitioner was appointed on 22.12.1972 on ad-hoc basis in the U.P Agriculture Service. On 3rd July, 1981 an order of regularisation was passed with regard to 14 persons including some persons junior to the petitioner but not for the petitioner. The reason why the regularisation order was not passed in favour of the petitioner was that there was an adverse entry against him for the year 1974-75. This adverse entry was subsequently expunged on 30.6.1984, vide Annexure-5 to the writ petition. The petitioner was regularised with effect from 15.12.1993 but his prayer is that he should be regularised from 3.1.1981 when his juniors were regularised.

3. In our opinion the prayer of the petitioner is justified. But for the adverse entry for the year 1974-75 the petitioner would have been regularised with effect from 3.7.1981 when his juniors were regularised.

4. We, therefore, allow this writ petition and direct that the petitioner should be regularised from 3.7.1981 and be granted all consequential benefits within a period of two months from the date of production of a certified copy of this order before the authority concerned.