
(2008) 08 AHC CK 0259
In the Allahabad High Court
Case No : Special Appeal No. 590 of 2000

Radha Kant Misra and another	Vs	APPELLANT
State of U.P. and others		RESPONDENT

Date of Decision : 21-08-2008

Acts Referred:

Citation : (2008) 08 AHC CK 0259

Hon'ble Judges : Janardan Sahai, J and Rakesh Sharma, J

Final Decision : Dismissed

Judgement

Janardan Sahai and Rakesh Sharma, JJ.—Heard Sri Ashutosh Srivastava Counsel for the appellants and the learned Standing Counsel.

2. The case of the appellant No. 1 Radha Kant Misra is that he worked as a Lekhpal in Sonpur district Gonda from 15.7.78 to 31.1.79 and was paid remuneration and subsequently he was appointed as Lekhpal on 20.6.1980 in tehsil Salempur, district Deoria where he worked continuously from 20.6.1980 to 9.4.1981 in Circle Halka No. 100 in the said tehsil. He relied upon a certificate/report dated 13.4.1992 of the Asstt. Registrar Kanoongo to the Tehsildar, Salempur, Annexure I to the writ petition. The appellant No. 2 is Chandra Bhushan Mishra. Counsel for the appellants could not refer to any averment in the writ petition wherein he may have disclosed the period of service rendered by the appellant No. 2 as Lekhpal. The appellants were sent for training to the Lekhpal Training School, Gorakhpur and they were given appointment as Lekhpal by an order dated 23.9.1990 passed by the Bhu Lekh Adhikari, Deoria. The said appointment letter indicates that the appellants were given appointment on daily wages for work of Jan Ganana, and relief work in natural calamities etc. and it is stated in that letter that the appointment will be for three months and would be temporary. The appellants filed writ petition alleging that their services were never terminated. They had prayed for a mandamus directing the respondents to pay the salary. Learned Single Judge dismissed the writ petition. The finding is that the certificates submitted by the appellants for taking training in respect of

their experience were forged. Learned Counsel for the appellants submitted that the learned Single Judge had relied upon an enquiry report dated 27.5.1992 and that there is nothing in the said report which may indicate that the appellants had committed any forgery. We have perused the enquiry report which has been annexed along with the counter affidavit. It appears that appellant No. 1 Radha Kant Misra has claimed that he worked for the period 15.7.1978 to 31.7.1979 and from 20.6.1980 to 9.4.1981 but on an enquiry made it was found from the office of the Settlement Officer that in the salary book there is no entry that salary was paid to the appellant No. 1 for the period July, 1978 to 31.1.1979. Reference has also been made to the report of the Naib Tehsildar dated 13.5.1992 in which it has been stated that appellant No. 1 Radha Kant Misra was paid salary for the period 20.6.1980 to 9.4.1981 which is for a period less than one year. In respect of the appellant No. 2, Chandra Bhushan Misra the finding is that no proof was furnished by the appellant that he had worked for a period of one year and no certificate could be filed by him. Even in the writ petition apart from the averment made that the appellant No. 1 Radha Kant Misra had worked, no documentary evidence to corroborate his case has been filed. In respect of appellant No. 2 Counsel for the appellants even could not refer to any averment indicating the period for which he worked. Neither has he filed any paper in proof. It appears that the appellants had entered training on the basis of forged certificates. In any case the appellants were not eligible as they had not rendered one year service. In the circumstance the appellants are not entitled to any relief the appeal lacks merit. Dismissed.