
(2009) 04 AHC CK 0338
In the Allahabad High Court

Raj Kumar Trivedi and another	Vs	APPELLANT
State of U.P.and others		RESPONDENT

Date of Decision : 01-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0338

Hon'ble Judges : Rajiv Sharma, J

Final Decision : Allowed

Judgement

Rajiv Sharma, J.

Heard learned counsel for the parties.

The grievance of the petitioners is that though the petitioners have been appointed on the post of Junior Clerk in the year 1987 and 1990 respectively, their services have not been regularized.

Learned counsel for the petitioners submits that earlier the petitioners filed Writ Petition No.4129 (SS) of 1995 and by means of the judgment and order dated 21.1.2000, the same was disposed with a direction to the opposite parties to regularize the services of the petitioners within a period of one month. In compliance of this Court's Orders, the petitioners' representations were rejected on 26.3.2002 and 9.2.2001. Being aggrieved, they filed the instant writ petition claiming therein that the opposite parties be directed to consider the case of the petitioners, in accordance with the aforesaid Rules.

Further submission of the learned counsel for the petitioner is that the petitioners are fully eligible for their regularization under U.P.Regularization of Daily Wages Appointment on Group "C" Posts (outside the purview of U.P. Public Service Commission) rules, 1998).

While entertaining the writ petition, as an interim measure, on 30.10.2002, this Court stayed the operation and implementation of the order dated 26.3.2002 and the petitioners shall be allowed to continue in service on the same terms and

conditions, on which, they were working earlier subject to further orders of the Court and shall be paid wages.

On the strength of the interim order, the petitioners were allowed to work and they are working on the post of Junior Clerk and as such, it can rightly be inferred that they were working on the cut off date as provided under the Rules. Therefore, they are continuously working and are fully eligible for regularization under the aforementioned Rules.

In view of above, the writ petition is allowed and the orders dated 26.3.2002 and 9.2.2001, contained in Annexures 1 and 14 to the writ petition, are hereby quashed. It is also provided that the opposite parties are directed to consider the case of the petitioners for regularization under the U.P. Regularization of Daily Wages Appointment on Group "C" Posts (outside the purview of U.P. Public Service Commission) Rules, 1998).