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(2008) 11 AHC CK 0066

In the Allahabad High Court

Rajesh Prasad and Others — APPELLANT

Vs

State of U.P., The Superintending Engineer, Irrigation Division, The Chief Engineer, (Irrigation) Division and Shri Munna Singh Chauhan, The Ex Irrigation Minister, Government of U.P. — RESPONDENT

Date of Decision : 25-11-2008

Acts Referred:

Citation : (2009) 121 FLR 1 : (2009) 1 UPLBEC 661

Hon'ble Judges : S.U. Khan, J

Bench : Single Bench

Final Decision : Allowed

Judgement

S.U. Khan, J.—The petitioners of the last writ petition are also petitioner Nos. 2, 3 and 4 in the first writ petition.

2. Seven petitioners of writ petitions at serial No. 1 and 2 were selected and appointed on the post of Nalkoop Mistri in Ghazipur Mandal. The posts had been advertised in Daily Hindi Newspaper Dainik Jagaran dated 12.08.2004. Petitioners and others were interviewed by duly constituted Selection committee on 28.01.2005 and petitioners were selected. On 29.01.2005 order appointing ail the seven petitioners was passed (Annexure-VI A). However the petitioners were neither given appointment letters nor they were actually appointed. They sought information under Right to Information Act 2005 and only then they were informed that they had been selected and appointed but their appointment had been first stayed by oral direction of irrigation Minister and thereafter it was cancelled on similar oral directions of the minister.

3. Annexure 6-1 on page 47 is a communication by Engineer-in-Chief (Mechanical) dated 04.08.2006. It states that the irrigation Minister on 01.02.2005 had directed for suspending process of appointment on the posts of Nalkoop Mistris for Ghazipur Mandal and thereafter on 08.02.2005 the Minister in his Chamber orally directed the Engineer in Chief to cancel the selection and in

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pursuance of those oral directions the selection was cancelled. It has further been stated that probably the Minister concerned had not received any complaint from any quarter regarding any irregularity in the selection which had already been made. As Annexure C.A. 1 to the counter affidavit filed by the respondents on 01.12.07 copy of the letter dated 02.02.2005 has been annexed. It was issued by Engineer-in-Chief Mechanical, to Chief Engineers Varanasi and Meerut stating that in Gazipur, Meerut Saharanpur and Muradabad Division the process of selection/appointment of Nalkoop Mistris through direct recruitment had not been completed and in this regard in accordance with high level direction they (Chief Engineers) were directed to suspend the process of Selection/appointment until further orders.

4. The above conduct of the Minister concerned discloses a horrible state of affairs. Without any rhyme or reason Minister concerned orally directed to cancel the selection which had duly been made. It is shocking to the conscience of the Court.

5. Through the third writ petition prayer for stopping the fresh selection process has been made.

6. In the counter affidavit it has been stated that result of the interview was not officially disclosed/displayed. In para 12 of the counter affidavit it has been stated that grounds taken in the writ petition are bogus.

7. As absolutely no reason for not declaring the result and making appointment has been given the oral direction of the Minister without any rhyme or reason was capricious and insular.

8. Accordingly, writ petitions are allowed.

9. It is directed that all the seven petitioners of the first two writ petitions must at once be appointed (latest by 01.01.2009). Each petitioner shall be paid cost of Rs. 10,000/-.

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