

(2009) 05 AHC CK 0788

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 69679 of 2006, 24776 of 2003, 53627, 52602, 46743, 44292, 42583 of 2004, 53936 of 2003, 34957 of 2004, 53935 of 2003, 43329 of 2003, 52910 of 2004, 24777 of 2003, 61411 of 2005, 49107 of 2003

Rajiv Kumar Shukla and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 06-05-2009

Acts Referred:

Citation : (2009) 05 AHC CK 0788

Hon'ble Judges : Rakesh Sharma, J

Final Decision : Disposed Of

Judgement

Rakesh Sharma, J.—Heard learned Counsel for the parties and perused the materials on record.

2. Common questions of facts and law are involved in the aforesaid writ petitions, so they are being disposed of by a common judgment and order.

3. It is borne out of the record that the petitioners were engaged as Seasonal Collector Amins (in short "Amins") and their names find place in the seniority list of the Amins of the district. The petitioners have indicated their places in the seniority list in the memo of writ petitions and annexures thereof. Their appointments were duly approved by the Collector of the district. When some of the petitioners were disengaged from service, they approached this Court by filing Writ Petition Nos. 43329 of 2002 and 43329 of 2002 in which an interim order was granted on 29th September, 2003 directing the respondents to allow the petitioners to continue in services as Amins in addition to this they were to be paid salaries regularly. It was further indicated in the order that the petitioners shall be considered for the regularisation against 35% quota vacancies in accordance with law, taking into account their places in the seniority list, suitability and age. These orders are still in vogue.

4. The petitioners have again approached this Court seeking relief for further continuance of their services, allowing them to perform their duties, functions and responsibilities of Collection Amins. The learned Counsel for the petitioners submits that the petitioners have been disengaged from services since 16th November, 2006 ignoring the earlier interim order passed by this Court. The work and post of Amins are still available and their services are needed. The collection of revenue is a continuing process.

5. As per averments made in the counter affidavit it has been indicated that the petitioners were offered to join on the vacant posts of Amin but they avoided to join and submitted application for medical leave. To this, the learned Counsel for the petitioner has reacted and submitted that the petitioners are always willing and prepared to join their duties immediately.

6. Rabi harvesting is almost over and the collection work would be taken in various Tehsils. The petitioners are now prepared to join their posts. Accordingly, the petitioners shall report for duties as per spirit of the interim order granted by this Court. The directions passed by this Court must be carried out. They shall also be paid salary of the post of Amins, on their joining, in this collection season.

7. As far as other claims of the petitioner are concerned, the respondents may consider the cases of the petitioners for regular appointments as Amins strictly in accordance with the provisions contained in the UP. Collection Amins Service Rules, 1974 and various relevant Government Orders issued from time to time, within 35% quota reserved for the said purpose. It is further clarified that this exercise shall be subject to availability of work, post, suitability, age and seniority of the petitioner strictly in accordance with law. However, since in the present case, the petitioners had already been working as Amins, the exercise of regularisation shall be done taking into account their earlier appointments and period of continuance in the services.

8. With the aforesaid directions, the writ petitions are finally disposed off.