

**(1991) 05 AHC CK 0019**

**In the Allahabad High Court**

**Case No : Civil Misc. Writ Petition No. 1102 of 1990**

Ram Prakash Singh

APPELLANT

Vs

The State of Uttar Pradesh and Another

RESPONDENT

**Date of Decision : 03-05-1991**

**Acts Referred:**

**Citation : (1991) 2 AWC 591**

**Hon'ble Judges : A.N. Varma, J**

**Bench : Single Bench**

**Advocate : S.C. Shukla, for the Appellant;**

**Final Decision : Allowed**

## Judgement

A.N. Varma, J.—No counter affidavit has been filed though time for the same was granted as far back as on 9-1-1990. As the controversy raised in this petition is directly covered by several decisions of this Court reference of some of which has been made in the petition itself, this petition is being disposed of finally.

2. The Petitioner was appointed as Asstt. Wasli Baqi Nawis (A.W.B.N. for short) after regular selection by means of a letter dated 21-1-1987. On the basis of the letter of appointment, the Petitioner assumed charge of the above post and was working to the entire satisfaction of his superiors. In the letter of appointment No. specific period of term was fixed. The Collector, Farukhabad, however, stopped allotting any work to the Petitioner even though he was regularly reporting for duty. Subsequently, it transpired that this was because the Collector thought that the select list in which the Petitioner's name was placed on the basis of selection was valid only for one year and that it automatically lapsed.

3. The above action of the Collector was wholly untenable as has been ruled by this Court in numerous decisions See judgment dated 26-4-1989 in writ petition No. 17515 of 1987 and judgment dated 11-1-1989 in writ petition No. 10990 of 1987 and other petitions details whereof have been mentioned with the petition itself. In all these cases the view expressed by this Court is that the select list

continues in operation. The opinion is based on the Government Order dated 22-2-1978 which states that the select list shall continue in operation in respect of the candidates whose name is entered therein if that candidate has been given appointment for a short terra. This Government Order fully supports the contention. The uncontro-verted petition is that the Petitioner was issued a letter of appointment on 21-1-1987. He also joined the post in pursuance of that letter of appointment. The letter of appointment has been annexed to the petition. The Collector was, therefore, clearly in error in not allotting the work to the Petitioner.

4. In the result, the petition succeeds and is allowed. The Collector Farrukhabad is directed to appoint the Petitioner as Asstt. Wasli Baqi Nawis against any post which is presently available or which may become available in future.

5. A copy of this order may be given to the learned Counsel on payment of requisite charges within three days.