

(2009) 04 AHC CK 0689
In the Allahabad High Court

Ram Vishal and others

APPELLANT

Vs

State of U.P.and others

RESPONDENT

Date of Decision : 17-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0689

Hon'ble Judges : Rajiv Sharma, J

Final Decision : Disposed Of

Judgement

Rajiv Sharma, J.

Heard learned counsel for the parties.

With the consent of learned counsel for the parties, the writ petition is being disposed of, at the admission stage itself.

It has been stated by the counsel for the petitioners that the petitioners were initially appointed on the post of parttime tubewell operators on different dates during the period 1986 to 1988 and since then, all the petitioners are continuously working as such. On 5.5.2008, The Uttar Pradesh Irrigation Department Regulaization of Parttime Tubewell Operators on the post of Tubewell Operators (First Amendment) Rules, 2008 have been notified by the State Government. On 10.9.2008, the opposite party No.3 has issued a final seniority list of all the parttime tubewell operators working in the division including the petitioners and has proceeded to regularize their services in accordance with the aforesaid Rules. By means of the order dated 27.12.2008, the opposite party No.3 issued an order thereby making regularization of the services of 47 parttime tubewell operators from the abovementioned seniority list, which does not contain the names of the petitioners, on the basis of pick and choose policy regularizing the services of the junior persons and superseding the senior persons like the petitioners, despite the fact that 77 vacancies were occurring on the date of issuance of the order dated 27.12.2008, out of which 47 have been filled and remaining 30 vacancies have been kept reserved for making

appointment of Scheduled Caste candidates.

Counsel for the petitioner submits that interest of justice would suffice, if the Executive Engineer, Tubewell Division, Rae Bareli is directed to look into the matter and pass appropriate orders on the representation of the petitioners for regularization, in accordance with the aforesaid Rules. The Standing Counsel has no objection to this prayer.

Accordingly, the Executive Engineer, Tubewell Division, Rae Bareli/opposite party no.3 is directed to consider the representation preferred by the petitioners for regularization, in accordance with The Uttar Pradesh Irrigation Department Regularization of Parttime Tubewell Operators on the post of Tubewell Operators (First Amendment) Rules, 2008, copy whereof has been annexed with the writ petition, and pass appropriate orders within a period of two months from the date of production of a certified copy of this order.

The writ petition stands disposed of finally in above terms.