
(2011) 05 AHC CK 0380
In the Allahabad High Court
Case No : Service Single No. 2742 of 1992

Shamsher Bahadur Singh (State)	Vs	APPELLANT
State of U.P. and Others		RESPONDENT

Date of Decision : 03-05-2011

Acts Referred:

Citation : (2011) 05 AHC CK 0380

Hon'ble Judges : Ritu Raj Awasthi, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Ritu Raj Awasthi, J.—Heard learned Counsel for the Petitioner as well as the learned Standing Counsel and perused the record.

2. This writ petition has been filed by the Petitioner for a suitable direction or order to the opposite parties to allow the Petitioner to work as Seasonal Collection Staff on the post of Atriakt Sahayak Basil Baki Navis.

3. It is submitted by learned Counsel for the Petitioner that by an interim order dated 5.5.1992, it was provided as under:

In view of the above it is provided that in case work and post is available and the Petitioner's conduct during the period he was employed had been found satisfactory and persons who do not find place in the select list of December 1, 1990, have been employed then the Petitioner would be allowed to work and be paid salary.

4. The Petitioner, however, was not given the benefit of the interim order and as such he could not continue in the employment with the opposite parties.

5. It is further submitted by learned Counsel for the Petitioner that under the similar facts and circumstances, this Court in the case of Ashok Kumar Verma v. District Magistrate and Anr. (Writ Petition No. 4525 (SS) of 2005) had directed the District Magistrate, Barabanki to consider the Petitioner's case in terms of

the judgment and order dated 17.10.2000 passed in the Writ Petition No. 1931 (SS) of 1992. The judgment and order dated 17.10.2000 passed in the Writ Petition No. 1931 (SS) of 1992 provided as under:

In view of the above mentioned facts and circumstances of the case, the Petitioners are also entitled to get the same treatment which has been given by this Court to Pramod Kumar Singh in Writ Petition No. 2003 (S/S) of 1992. Therefore, it is directed that the benefit of the order dated 7.7.1999 passed in the Writ Petition No. 2003 (S/S) of 1992 (Pramod Kumar Singh v. State of U.P. and Ors.) shall be made available to the Petitioners of the present writ petition also and the District Magistrate shall follow the Government Orders dated 15th September, 1994, 20th September, 1994 and the letter of Government dated 8th July, 1994 in the case of the present Petitioners. The writ petition is disposed of with the above observations and directions.

6. The learned Standing Counsel does not dispute the aforesaid position.

7. Learned Counsel for the Petitioner has drawn the attention of this Court towards the order dated 1.12.1990 by which the Petitioner along with several other persons including Sri Ashok Kumar Verma was selected in the selection held against the vacancies for the post of Junior Clerk in the Collectorate, Barabanki.

8. In this view of the matter, the writ petition is disposed of finally in terms of the judgment and order dated 17.10.2000 passed in the Writ Petition No. 1931 (SS) of 1992. The District Magistrate, Barabanki is directed to consider the case of the Petitioner in terms of the judgment and order dated 17.10.2000 passed in the aforesaid writ petition.