
(2002) 10 AHC CK 0098
In the Allahabad High Court
Case No : C.M.W.P. No. 4362 of 1990

Shiv Lal

APPELLANT

Vs

Sub-Divisional Magistrate and Others

RESPONDENT

Date of Decision : 11-10-2002

Acts Referred:

Citation : (2003) 1 AWC 203 : (2003) 1 UPLBEC 575

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : Namwar Singh, for the Appellant;

Final Decision : Allowed

Judgement

Anjani Kumar, J.—Petitioner who claims to have been selected on the class IV post in the selection held on 20.2.1980, made a complaint that though he was given opportunity to work from time to time on temporary/ad hoc basis but he has not been regularly selected and. Instead the petitioner, other persons have been appointed. The petitioner has impleaded the name of those persons as respondent Nos. 4, 5 and 6 in the writ petition. Counter-affidavit has been filed on behalf of, these contesting respondent Nos. 4, 5 and 6 stating therein that in the Tehsil Office of Baberoo, district Banda, the petitioner's name was empanelled at a list prepared on 20.2.1980 but the life of the said Panel was only one year and the same was extinguished after one year. The petitioner has never been selected pursuant to the aforesaid empanelment as there was no vacancy available. It is admitted in the counter-affidavit that the petitioner was allowed to work from time to time due to contingency and requirement of the work and after the work was over, petitioner's services were terminated. It has been specifically denied in para 21 of the counter-affidavit that the respondent Nos. 4, 5 and 6 have been appointed on regular basis. It is stated that they were also appointed on temporary/ad hoc basis like petitioner and have never been appointed on regular basis. So far as the working of the respondent Nos. 4, 5 and 6 are concerned, it is stated that they are working by virtue of an interim

order passed by this Court which is still operative.

2. In this view of the matter, the case set-up by the petitioner has not been denied by the respondents but the petitioner has miserably failed to demonstrate that any of his right is affected or he Is entitled to be appointed on regular basis as class IV employee with the respondents.

3. The writ petition is devoid of merit and is dismissed.