
(2009) 07 AHC CK 0172
In the Allahabad High Court
Case No : Writ Petition No. 1028 (SB) of 2009

State of U.P. and others

APPELLANT

Vs

Jageshwar and others

RESPONDENT

Date of Decision : 22-07-2009

Acts Referred:

Uttar Pradesh Sangrah Anusewak Niyamawali, 2004 — Rule 5

Citation : (2009) 07 AHC CK 0172

Hon'ble Judges : Pradeep Kant, J and Ritu Raj Awasthi, J

Final Decision : Dismissed

Judgement

Pradeep Kant and R.R. Awasthi, JJ.—Heard the learned Counsel for the State Sri Ashok Shukla and perused the order passed by the Tribunal.

2. The claim of the respondents is that they were arbitrarily ignored from being considered for regularization/regular appointment on the post of Collection Peon in terms of Rule 5 of U.P. Sangrah Anusewak Niyamawali, 2004 and the persons junior to them were considered and were regularized.

3. The Tribunal has taken into consideration that the respondents were working right from the years 1984, 1989 and 1996 respectively and that persons, who were placed in the tentative seniority list prepared for the very purpose to consider the regularization of Collection Peons were regularized, whereas the claim of the respondents were not considered.

4. The plea of the State that after the aforesaid tentative list, the final seniority list was prepared in which the names of the respondents were below the persons who were regularized did not find favour by the Tribunal.

5. The Tribunal has rightly observed that there is a difference between the eligibility list and the seniority list and the regularization was to be done in accordance with the provisions of Rule 5(2), which says that fifty percent posts shall be filled through the Selection Committee from amongst such Seasonal Collection Peons who have worked satisfactorily for at least four Fasals and

whose age on the first day of July of the year in which selection is made does not exceed 45 years.

6. The Tribunal has further observed that while preparing the final seniority list, no opportunity was given to the respondents or the Collection Peons, therefore, the same could not be a basis for rejecting the claim of the respondents. Apart from this, the Tribunal has found that the representation filed by the respondents has been illegally and arbitrarily rejected without considering the issue involved.

7. The Tribunal, therefore, after quashing the order passed on the representation, directed that the representation of the respondents be considered afresh and the age relaxation may be considered with respect to respondent Nos. 1 and 2. A direction has also been issued for considering the regularization of the respondents in accordance with law.

8. In the facts and circumstances of the case, we do not find any ground to interfere with the directions issued by the Tribunal for considering the matter of regularization of the respondent.

9. It is for the appellants to consider the case of the respondents in accordance with law and then pass appropriate orders.

10. The petition is dismissed. Petition dismissed.