
(2013) 04 AHC CK 0247
In the Allahabad High Court
Case No : C.M.W.P. No. 21516 of 2013

Virendra Kumar

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 22-04-2013

Acts Referred:

Citation : (2013) 5 AWC 4475

Hon'ble Judges : Amreshwar Pratap Sahi, J

Bench : Single Bench

Advocate : Udai Narayan Khare, for the Appellant; Baleshwar Chaturvedi and Kamal Kesarwani, for the Respondent

Final Decision : Disposed Of

Judgement

Amreshwar Pratap Sahi, J.—Heard learned counsel for the petitioner and Sri Kamal Kesarwani for the respondent Power Corporation. The contention of the petitioner is that he was working as a Sweeper on Part Time Basis on a payment of Rs. 200 per month which was increased Rs. 800 and then Rs. 1,500.

2. The petitioner has come up with a prayer that he should be allowed to continue and should be regularized in his services together with arrears of salary which have not been paid.

3. Sri Khare, learned counsel for the petitioner according to a mobile telephonic message obtained today informs the court that the services of the petitioner have also been orally dispensed with.

4. Learned counsel for the petitioner has also invited the attention of the court to a document endorsing the order of the Collector dated 20.3.2013 and he contends that with all these recommendations and the aforesaid background the action of the respondent Power Corporation is arbitrary.

5. Having considered the submissions raised, this Court does not find any vested right in the petitioner to claim continuance or regularization on the post of a Part

Time employee. No rule or regulation has been shown to the court in this regard. Even otherwise, placing the case of the petitioner at the highest pedestal, that he has been continuously working since long, the case of Secretary, State of Karnataka and Others Vs. Umadevi and Others, , directly stares on the face of it.

6. Apart from this, Sri Khare has insisted on the order of the Collector, Jalaun dated 20.3.2013 which finds endorsed on a loose sheet of paper indicating that the said application was moved on tehsil Diwas before him. The endorsed order indicates that the Executive Engineer has been called upon by the Collector that the petitioner should not be relieved from his services and he should be continued.

7. The Court is unable to understand as to under what authority of law, the District Magistrate has passed the said order. Not only this, if there is an order of continuance there is no indication as to what would be source of payment to such employee who is to be continued at the wish of the District Magistrate.

8. In the opinion of the Court, this payment of any emolument should be deducted from the salary of the said District Magistrate who has passed this order bereft of rules with a view to please somebody. This is not a public relation exercise but it is a matter of public employment which is governed by a set of rules. Apart from this, the Power Corporation is an autonomous body and it has its rules where the District Magistrate does not appear to have any role in the matter in law. and, therefore, the District Magistrate has travelled beyond his authority in issuing such local instructions on Tehsil Diwas. Learned standing counsel, Sri Upendra Singh representing the respondent No. 1 is directed to obtain a copy of the order free of charges and communicate it to the Chief Secretary Government of Uttar Pradesh for notice that such benevolent orders are being passed by the District Magistrate who have no authority in law to extend any such benefit of public employment in the Power Corporation. A copy of this order should also be dispatched by the learned standing counsel to the District Magistrate, Jalaun respondent No. 2 for his knowledge. The photostat copy of the said document shall be pinned up with the order sheet.