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**(2015) 04 UK CK 0026**

**In the Uttarakhand High Court**

**Case No :** Writ Petition No. 296 (SS) of 2002 old No. W.P. No. 15685 of 1993

Virendra Kumar Tewari and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision :** 08-04-2015

**Acts Referred:**

**Citation :** (2015) LabIC 3779

**Hon'ble Judges :** Alok Singh, J.

**Bench :** Single Bench

**Advocate :** Sharad Sharma, Senior Advocate assisted by Vandana Singh, for the Appellant; Syed Nadim, Standing Counsel, for the Respondent

**Final Decision :** Allowed

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**Judgement**

Alok Singh, J.—Present petition is filed assailing the order dated 22.10.1992 whereby services of the petitioners were terminated. Order sheet reveals that vide order dated 09.10.2009 writ petition was dismissed as withdrawn. However, vide order dated 12.11.2014, order dated 09.10.2009 was recalled qua petitioner No. 1.

2. Petitioner was given training for the post of Consolidation Lekhpal, as provided under the Uttar Pradesh Consolidation Lekhpals Services Rules, 1978 (for short "Rules, 1978"); merit list was prepared of trained Lekhpals, in accordance with Rule 14 of the Rules, 1978; petitioner was given appointment by Consolidation Commissioner, Uttar Pradesh, Lucknow vide order dated 11.06.1992 and thereafter, a subsequent compliance order was issued by the Settlement Officer, Consolidation, Nainital, Kichha on 01.09.1992; petitioner was given joining by the Settlement Officer, Kichha on 01.09.1992 itself; vide order dated 22.10.1992, services of the petitioner were terminated without assigning any reason. Feeling aggrieved, petitioner filed present petition, initially before Allahabad High Court, assailing the order dated 22.10.1992.

3. In the counter-affidavit filed before Allahabad High Court, it was stated that

since petitioner has played fraud while obtaining the appointment, therefore, his services were terminated along with other Consolidation Lekhpals, who were also found indulged in fraud in getting appointment.

4. Undisputedly, Allahabad High Court in the connected petitions was pleased to issue direction to hold inquiry on the question of misrepresentation or fraud allegedly played by the Consolidation Lekhpals while obtaining the appointment; in compliance of the judgment passed by Allahabad High Court, further inquiry was initiated and it was observed that none of the Consolidation Lekhpals including petitioner, who have undergone training under the Rules, 1978 and were given appointment in the year 1992, had played any fraud or misrepresentation while getting appointment.

5. It is nowhere stated by the State Government that services of the petitioner were terminated during probation period. Rather, a definite case has been taken by the State Government that since petitioner was found involved in fraud, therefore, his services were terminated.

6. In view of the fact that in subsequent inquiry, fraud could not be established against the petitioner, therefore, termination of the petitioner's services seems to be unjustified.

7. Mr. Syed Nadim, Standing Counsel appearing for State of Uttarakhand, Consolidation Commissioner and Settlement Officer, Consolidation, Kichha, in all fairness, submitted that nothing adverse was found against the petitioner in the subsequent inquiry initiated in compliance of the order passed by Allahabad High Court. Consequently, writ petition is allowed. Impugned order qua the petitioner No. 1 is hereby quashed.