

Court No. - 4

Case :- WRIT - C No. - 55761 of 2012

Petitioner :- Apper Mukhya Adhikari Zila Panchayat

Respondent :- State of U.P. and Another

Counsel for Petitioner :- V.K. Nagaich

Counsel for Respondent :- C.S.C.,Jamal Khan,K.C. Sinha

Hon'ble Prakash Padia,J.

1. The present petition has been filed inter-alia with the prayer to set aside the award dated 25.02.2012 passed by the Presiding Officer, Labour Court, U.P., Agra including the order to proceed ex-parte.

2. The writ petition was duly entertained and following interim order was passed on 30.05.2013:-

"List this matter for admission and for final disposal in the last week of July 2013.

After hearing the learned counsel for the parties, it is hereby directed that the petitioner will reinstate the workman in terms of the award on or before 1st June, 2013 and pay the current wages payable to the workman. An affidavit of reinstatement shall be filed by the petitioner on or before the next date fixed. In the event, the workman is reinstated, the recovery of backwagaes pursuant to the award shall remain stayed. "

3. It is admitted by the counsel for the parties that pursuant to the aforesaid order, the workman is continue in service.

4. Today when the matter is taken up, counsel for the parties placed before this Court the judgment and order dated 25.04.2016 passed by the Lucknow Bench of this Court in **Service Single No. 5133 of 2003 (Narain vs. State of U.P. Through Panchayai Raj and others)**. Order reads as follows:-

"The writ petition is restored to its original number vide order of date passed on C.M.Application No. 22680 (C) of 2016.

Heard.

By means of the present writ petition, the petitioner is seeking a direction against the opposite parties to regularize the services of the petitioner in accordance with U.P. Regularization of Daily Wage Appointment on Group-D Posts Rules, 2001.

Learned Counsel for the petitioner submitted that in pursuance to the interim order dated 21.8.2003, the petitioner is still continuing to work on daily wage basis on the post of Group 'D' but his services have not been regularized till date. He submitted

that recently, the State Government has issued a Government Order dated 24.2.2016 for regularizing the services of the persons, who were working in the State Government or autonomous bodies or public enterprises, Nigam, local bodies, Development authorities and Zila Panchayats on daily wage basis, work charged basis or contract basis. The cut-off date mentioned in the aforesaid government order is 31.12.2001. Therefore, he prayed that interest of justice would suffice, if the opposite parties be directed to examine the claim of the petitioner in the light of the provisions of Government Order dated 24.2.2016 within the time frame fixed by this Court.

Mr. Nazim Ali Siddiqui, learned Counsel for the respondents does not dispute the fact that claim of the petitioner for regularization is covered by the recent Government Order dated 24.2.2016 and, therefore, he has no serious objection if this Court directs the competent authority to examine the claim of the petitioner in accordance with law.

Appreciating the submissions of the learned Counsel for the parties and without entering into the merits of the case, the writ petition is disposed of finally with a direction to the opposite parties to examine the claim of other petitioner for regularization in the light of the Government Order dated 24.2.2016, expeditiously, say, within four months from the date of receipt of a certified copy of this order."

5. It is argued that controversy involved in the present case is squarely covered by the Government Order 24.02.2016.

6. In this view of the matter and with the consent of counsel for the parties, the present petition is **disposed of finally** with the direction to the petitioner-Upper Mukhya Adhikari Zila Panchayat to examine the claim of workman for regularization in the light of the Government Order dated 24.02.2016, expeditiously and preferably within a period of four months from the date of receipt of the certified copy of this order.

7. Till the time, the order is passed, the interim protection granted in favour of the workman will continue.

Order Date :- 6.11.2023

Swati