

Court No. - 35

Case :- WRIT - A No. - 17097 of 2023

Petitioner :- Ajit Pratap Singh And 14 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Utkarsh Kumar Singh, Aishwarya Kumar Singh, Rajesh Kumar Singh

Counsel for Respondent :- C.S.C., Ran Vijay Singh

Hon'ble Vikas Budhwar, J.

Heard Sri Rajesh Kumar Singh, learned counsel for the petitioners, who are 15 in number, Sri Santosh Kumar, the learned Standing Counsel, who appears for Respondent Nos. 1 and Sri Ran Vijay Singh, who appears for Respondent Nos. 2 and 3 University.

The case of the writ petitioner is that they were appointed on daily-wage capacity on different dates from the year 1989, 1990, 1991 as Routine Grade Clerks, Class-III posts in the Pay-Scale of Rs.650-1500. Their services stood transformed into ad hoc capacity in the year 1991, 1994, 1995, 1997, 2000 and 2001 respectively, has recapitulated in a chart in paragraph-5 of the writ petitioner. It is the further case of the writ petitioner that pursuant to a Government Order issued by the State Government on 27.01.2011, a conscious decision was taken for regularization of the employees, who were working prior to 29.06.1991. It is further the case of the writ petitioner that on 01.09.2014, 115 supernumerary posts were sanctioned; 74 referable to Routine Grade Clerk, 40 posts for Peon and 1 post for Driver. In paragraph-11, details have been given to the extent that the writ petitioner's services stood regularized against the supernumerary posts. While further inviting attention towards paragraph-41, it is being sought to be demonstrated that there are 53 posts of Junior Assistant vacant, thus the writ petitioner claims to be considered for according placement and benefits against the posts, which are substantive and lying vacant.

Prayer in the present petition is for a direction to the respondents to consider the case of the writ petitioner for absorption and to accommodate under the provisions of Executive Council, the resolution dated 10.01.2018 and the letter of the State respondents dated 06.01.2018 along with other benefits including the benefits, which are referable to the regular incumbents, in case the writ petitioners are being absorbed against the substantive posts.

Sri Ran Vijay Singh, learned counsel for the Respondent Nos. 2 and 3 submits that the issues, which the writ petitioners are seeking to raise needs determination at the first instance by the Registrar, Veer Bahadur Singh Purvanchal University, Jaunpur, he submits that the writ petitioner will raise their claim before the second respondent, who shall address to the said issue. Learned Standing Counsel adopts that submission of the learned counsel for the second and the third respondent. Learned counsels for the Respondents further submits that they do not propose to file any response to the writ petition.

To such a submission, learned counsel for the writ petitioner has no objection and he gracefully accepts the same.

Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioner to approach the third respondent, along with a comprehensive representation accompanied with self-attested copy of the writ petition, who shall, on the receipt of the same, proceed to decide the claim of the writ petitioner within a period of three months from the date of production of certified copy of the order strictly in accordance with law bearing in mind the contention raised by the writ petitioner.

Needless to point out that the writ petitioner has been decided without seeking any response from the respondents, thus passing of this order may not be construed to an expression that this Court has adjudicated the matter on merits.

With the aforesaid observations the writ petition stands **disposed off**.

Order Date :- 30.10.2023
N.S.Rathour