

Court No. - 33

Case :- WRIT - A No. - 17581 of 2023

Petitioner :- Habib Ahmad

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Javed Raza

Counsel for Respondent :- C.S.C.

Hon'ble J.J. Munir,J.

Heard learned Counsel for the petitioner at length and Mr. Yashwant Singh, learned Standing Counsel appearing on behalf of respondent nos. 1, 2 and 3.

The petitioner, who held the post of a *Safai Karmchari* with the Nagar Panchayat, Newriya Husainpur, District - Pilibhit, has challenged an order dated 26.09.2023, passed by the Executive Officer, Nagar Panchayat, Newriya Husainpur, District - Pilibhit, whereby the petitioner has been asked to perform his duties as a *Safai Karmchari*, instead of the Pump Operator.

It appears that the petitioner, who is a substantively appointed *Safai Karmchari*, was assigned duties of a Pump Operator as a *pro tem* measure by the Nagar Panchayat *vide* resolution dated 28.11.2022 in the following terms;

“2. शासन ने पम्प आपरेटर का पद सृजित होने तक श्री हबीब अहमद को पम्प चलाने का कार्य करते रहेंगे। ”

The petitioner was never appointed to the post of a Pump Operator nor he holds any lien. The petitioner's lien is on the post that he holds, which is that of a *Safai Karmchari*. The impugned order, for whatever reason, does nothing more than to ask him to discharge his duties attached to the post to which he has been appointed. There is, therefore, no legal right that inheres in the petitioner to challenge the order impugned.

This writ petition consequently **fails** and is **dismissed**.

Order Date :- 17.10.2023

Prashant D.