

Court No. - 34

Case :- WRIT - A No. - 18023 of 2023

Petitioner :- Lallan Srivastava

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

Counsel for Petitioner :- Hare Ram Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

1. Heard Sri Hare Ram Pandey, learned counsel for the petitioner and learned Standing Counsel for the State.
2. Petitioner has approached this Court for consideration of his claim for regularization under the Uttar Pradesh Regularisation of Persons Working on Daily Wages or on Work Charge or on Contract in Government Departments on Group 'C' and Group 'D' Posts (Outside the Purview of the Uttar Pradesh Public Service Commission) Rules, 2016.
3. Petitioner claims to have been engaged on a daily wage basis with the respondents establishment in the year 1994 and ever since then has been continuously discharging his duties as Gardener/Group D employee and has been drawing Rs.7000/- as fixed pay.
4. It is therefore argued by learned counsel for the petitioner that since the petitioner has been appointed prior to the cut off date given under Rule 6(1) of the 2016 Rules as 31.12.2001 and has been continuously engaged as such on the date of the commencement of the Rules, he becomes entitled to be considered for regularization.
5. Learned Standing Counsel submits that the petitioner's claim can be directed to be considered by the competent authority, namely, respondent no.4, District Horticulture Officer, Kushinagar in accordance with law.
6. Having heard learned counsel for the parties and having perused the records I find that Rule 6(1) provides for consideration of regularisation of those employed or deployed on a daily wage basis or work charge or contract in a Government department on Group C or Group D Post

prior to 31.12.2001. Rule 6(1) (i) is reproduced hereunder:

"6 (1) Any person who-

(i) was directly engaged or employed or deployed or working on daily wages or on work charge or on contract in the Government Department on Group 'C' or Group 'D' post (outside the purview of the Uttar Pradesh Public Service Commission) on or before December 31, 2001 and is still engaged or employed or deployed or working as such on the date of the commencement of these rules;"

7. Petitioner has brought on record a certificate issued by the Incharge, Zone, Sargatiya Kushinagar dated 31.04.2004 in which acknowledgement has been made that the petitioner has worked on a daily wage basis as per engagement and recruitment by the department between the year 1994 and 2004.

8. In the circumstances I consider it appropriate to **dispose of** this petition at this stage with direction to the respondent no.4 to look into and consider the claim of the petitioner provided petitioner makes a comprehensive representation in this regard within a period of four weeks from today. Appropriate order shall be passed by the competent authority in the matter within a further period of two months in accordance with law.

9. Needless to add order to be passed shall be reasoned and speaking one.

Order Date :- 27.10.2023

Deepika