

Court No. - 8

Case :- WRIT - A No. - 2175 of 2022

Petitioner :- Vishvanath

Respondent :- State Of U.P. Thru. Prin. Secy. Technical Education Lko.
And 3 Others

Counsel for Petitioner :- Santosh Kumar Kanaujia, Ashok
Kumar, Chandra Prakash, Kubra Fatima

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh, J.

1. Heard Mr. Ashok Kumar, learned counsel for the petitioner, as well as Mr. Vikas Singh, learned Standing Counsel for the respondents-State Authorities.

2. The petitioner has filed this petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus commanding the respondents to regularize his service on the post of sweeper and pay him regular salary.

3. The petitioner was appointed on 12.10.1993 in Rajkiya Polytechnic, Lakhimpur Kheri against one post of part-time sweeper. He has been working since then as part-time sweeper. At present, he is being paid wages of Rs.180/- as per the schedule of rates for part-time workmen.

4. Admittedly, the petitioner is a part-time sweeper, and the post, against which he is working, is also a part-time. The petitioner's post is not covered under the regularization rules i.e. Uttar Pradesh Regularization 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 Uttar Pradesh Public Service Commission) Rules, 2016 (for short "Rules, 2016) inasmuch these Rules are for regularization of daily-wager, or ad-hoc or contractual employees, and not for the part-time employees. The case of the petitioner does not fall within the purview of the Rules, 2016 and, therefore, this Court cannot issue a direction for regularization of the petitioner's services on the post of sweepers which is a part-time post in the Polytechnic. Finding no ground to issue the direction prayed, this writ petition is hereby **DISMISSED**.

[D.K. SINGH, J.]

Order Date :- 6.7.2023 MVS/-