

Court No. - 8

Case :- WRIT - A No. - 1261 of 2015

Petitioner :- Ram Nath Verma And 12 Ors.

Respondent :- State Of U.P. Thru Its Prin.Secy.Deptt.Of Civil Aviation and ors

Counsel for Petitioner :- Ram Raj, Vivek Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh, J.

1. Heard Shri Ram Raj, learned counsel for the petitioners and Shri Neeraj Chaurasia, learned Standing Counsel appearing for the State-respondents.

2. The present petition under Article 226 of the Constitution of India has been filed for quashing of the order dated 19.08.2008 whereby the petitioners who were employed in different Air Strips in different Districts of Civil Aviation Department of the State Government have been absorbed/posted in different departments as result of closing down of Air Strips or giving them to private persons on lease.

3. The petitioners were employed on different posts at Uttar Pradesh Civil Aviation Training Institute, Kanpur, however, the said training institute was decided to be closed down by the Government in pursuance to the decision taken on 08.06.2001. A Committee for this purpose was constituted by the Government and the said Committee gave its report to the Government on 25.03.2008. As the said training institute was closed down, the petitioners became surplus and therefore, it was decided that the petitioners who were erstwhile employee of the Civil Aviation Department of Uttar Pradesh, Kanpur be given appointment/posting in nearby Districts. This decision is dated 19.08.2008, however, the present writ petition came to be filed in the year 2015 and we are in the year 2023.

4. The petitioners are admittedly the employees of the State Government. Their posting in one department would not entitle them to remain in that department, if the training institute where they were working has been closed. In fact, the State Government has acted in the best interest of the petitioners for posting them in other department as result of closing down of the said training institute at Kanpur.

5. I fail to understand that how the petitioners are prejudice or can claim that they should remain posted in the same department, when the training institute at Kanpur has been closed down. The petitioners even otherwise have no vested right to remain posted in one

department. The petitioners are getting salary from the State Exchequer and it is the prerogative of the employer/State Government to make use of their services in any other department as per their qualifications and eligibility.

6. In view thereof, I find no substance in the petition inasmuch as it has been belatedly filed after more than seven years from the date of the impugned order and thus, the present petition being devoid of merit and substance is hereby **dismissed**.

(Dinesh Kumar Singh, J.)

Order Date :- 10.7.2023

Piyush/-