

**Court No. - 7**

**Case :-** WRIT - A No. - 2795 of 2013

**Petitioner :-** Sanjay Kumar Verma

**Respondent :-** State Of U.P. Through Prin. Secy. Gramya Vikas Lko. And Ors.

**Counsel for Petitioner :-** Pritam Singh, Raghvendra P. Singh, Raghvendra Pratap Singh

**Counsel for Respondent :-** C.S.C.

**Hon'ble Abdul Moin, J.**

Heard learned counsel for the petitioner and learned Standing counsel appearing on behalf of the State-respondents.

Instant writ petition has been filed praying for the following main reliefs:-

*"(i) Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 29.09.2012 passed by the opposite party no. 3 contained in Annexure No. 1 to this writ petition.*

*(ii) Issue a writ, order or direction in the nature of mandamus commanding and directing the opposite parties to allow the petitioner to work on his post of Gram Rojgar Sewak and pay him honorarium regularly each and every month."*

The case set forth by the petitioner is that the petitioner had been appointed as Gram Rojgar Sewak vide order dated 16.09.2010, a copy of which is annexure 4 to the writ petition. Subsequent thereto, the respondents did not allow the petitioner to work on the said post and resultantly the petitioner was constrained to approach this Court by filing Writ Petition No 2021 (SS) of 2012 Inre; Sanjay Kumar Verma Vs. State of U.P and Ors and this Court vide judgment and order dated 27.04.2012 disposed of the writ petition with the direction to the competent authority to decide the representation of the petitioner.

In pursuance thereof, the representation of the petitioner has been rejected by the competent authority vide order dated 22.09.2012.

A perusal of the said representation would indicate that the competent authority has categorically stated that the services of the petitioner had been dispensed with in terms of the Government order governing the appointment of the petitioner by the Gaon Sabha by holding a meeting which was held on 28.04.2011 and the majority of the members of the Gaon Sabha proposed to remove the petitioner from the service of Gram Rojgar Sewak which was done. It has also been indicated in the order impugned that two notices had been issued to the petitioner but the petitioner failed to submit his reply to the same and consequently, the respondents had no option to but remove the petitioner from his contractual services as he was not discharging his services in a proper

manner.

A perusal of the order impugned would indicate that the competent authority has indicated about notices having been served upon the petitioner. Apart from that, the services of the petitioner having been dispensed with by the Gaon Sabha in its meeting held on 28.04.2011 has also been indicated.

Despite the order impugned indicating about the meeting and resolution of the Gaon Sabha of April, 2011 and even the counter affidavit which has been filed by the respondents in January, 2014 indicating about the same yet the petitioner has chosen not to challenge the decision of the Gaon Sabha by which the services have been dispensed with. Merely because the competent authority while deciding the said representation has rejected the representation of the petitioner as such, even if the petition is to be allowed even then the removal of the petitioner, as per the meeting of the Gaon Sabha dated 28.04.2011, would still subsist.

As no challenge has been raised to the resolution of the Gaon Sabha dated 28.04.2011 even despite lapse of more than 12 years consequently, no orders can be passed in favour of the petitioner inasmuch as even if the order impugned is to be set aside the same would result in the resolution of removal dated 28.04.2011 still subsisting to which no challenge has been raised by the petitioner.

Considering the aforesaid, no case for interference is made out. Accordingly, the writ petition is dismissed.

**Order Date :- 8.12.2023**

Pachhere/-