

Court No. - 8

Case :- WRIT - A No. - 18737 of 2016

Petitioner :- Raj Kumari

Respondent :- State Of U.P. Thru Prin.Secy. P.W.D. Up Govt. Lucknow
And Ors.

Counsel for Petitioner :- Lalit Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Sri Lalit Shukla, learned counsel for the petitioner and Sri V.K. Shahi, learned Additional Advocate General assisted by Sri V.K. Shukla, learned Additional Chief Standing Counsel.

2. The present writ petition under Article 226 of the Constitution of India has been filed by Smt. Raj Kumari, wife of late Naumi Lal, who was employed as Class-IV employee in the Uttar Pradesh Public Works Department and died on 6.1.2015 in harness. A challenge has been made in the writ petition to quash the order dated 13.5.2016, whereby the services of the husband of the petitioner were treated to be regular w.e.f. 28.3.2011.

3. Earlier, the services of the husband of the petitioner were regularized vide order dated 29.1.1991. However, it was noticed that the regularization was done against the policy decision and, therefore, Engineer-in-Chief/Head of Department vide letter dated 25.2.1991 had intimated to all the Chief Engineers to cancel all such appointments/regularization, which were made against the district-wise seniority position with further direction to regularize the services of Beldar since 1980, Mate and Chaukidar since 1981 and Work Agent since 1983. In compliance of the said order, regularization order of the husband of the petitioner was cancelled and relevant entry was also made in the service book. However, vide order dated

13.5.2016, Naumi Lal had been treated to be in regular service w.e.f. 28.3.2011.

4. Considering the aforesaid facts, I do not find much substance in the writ petition for treating late Naumi Lal to be in regular service w.e.f. 29.1.1991. Therefore, prayer in that respect is hereby rejected. However, as the husband of the petitioner late Naumi Lal has been regularized vide order dated 13.5.2016 w.e.f. 28.3.2011, his legal heirs are entitled for all admissible legal dues treating late Naumi Lal to be in regular service w.e.f. 28.3.2011.

5. In view thereof, opposite parties are directed to calculate the legal dues of late Naumi Lal treating him to be in regular service in pursuance to the order dated 13.5.2016 w.e.f. 28.3.2011 and pay them accordingly, within a period of four months from today.

6. With the aforesaid observations and directions, the present writ petition is ***disposed of***.

Order Date :- 10.7.2023

Rao/-