

Court No. - 8

Case :- WRIT - A No. - 4368 of 2023

Petitioner :- Ganesh Prasad

Respondent :- State Of U.P. Thru. Prin. Secy. Irrigation And Water Resources Civil Secrett. Lko. And 4 Others

Counsel for Petitioner :- Raj Priya Srivastava, Hemendra Pratap

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh, J.

1. Heard Shri Raj Priya Srivastava, learned counsel for the petitioner and Shri Ram Pratap Singh Chauhan, learned Additional Chief Standing Counsel appearing for the State-respondents.

2. The present petition under Article 226 of the Constitution of India has been filed impugning the order dated 13.03.2023 passed by Executive Engineer, Sharda Nahar, Unnao Division, Unnao, whereby petitioner's representation in pursuance to the order dated 18.07.2022 passed by this Court in Writ A No.362 of 2014 (Ganesh Prasad vs. State of U.P. and Ors.) has been decided and his order of reversion dated 02.12.2013 by which the promotion order dated 22.11.2013 of the petitioner was cancelled, has been maintained.

3. The petitioner was appointed on the post of Cleaner (Class-IV) purely on temporary/ad-hoc basis on 03.10.2011. The appointment order would itself disclose that the petitioner's appointment was completely temporary and could have been terminated by giving one month's notice. The petitioner was thereafter, promoted to the post of Driver, though, he had not put in 5 years of requisite/confirm service as Cleaner (Class-IV), therefore, vide order dated 22.11.2013, his promotion to the post of Driver was cancelled.

4. Aggrieved by the said cancellation of promotion of the petitioner, the petitioner approached this Court by filing a writ petition being Writ A No.362 of 2014, which was disposed of by this Court vide judgment and order dated 18.07.2022.

5. In compliance of the directions issued by this Court vide judgment and order dated 18.07.2022, the petitioner filed a representation, which was rejected by the competent authorities.

6. Learned Counsel for the petitioner has not stated anywhere in the writ petition that when he got confirmed on the post of Cleaner (Class-IV). He does not dispute that he did not put in five years requisite/confirm service on the post of Cleaner (Class-IV) when he

was promoted on 22.11.2013.

7. Considering the aforesaid facts, I do not find any error in the impugned order.

8. In view thereof, the present petition stands finally **disposed of**. It is directed that petitioner's case for promotion should be considered as and when he would acquire the eligibility for promotion on the post of Driver under the relevant rules.

(Dinesh Kumar Singh, J.)

Order Date :- 31.5.2023

Piyush/-