

Court No. - 20

Case :- WRIT - A No. - 7542 of 2023

Petitioner :- Irrigation Deptt. Employees Union Thru. Pradesh Mahamantri Suresh Kumar Tripathi And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Irrigation Deptt. U.P. Lko. And 2 Others

Counsel for Petitioner :- S.K. Singhaniya

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Supplementary affidavit filed on behalf of petitioners today is taken on record.
2. Heard learned counsel for petitioners and learned State Counsel for opposite parties.
3. Petition has been filed challenging Notification dated 21.09.2023 whereby the Irrigation Department has issued a tender for annual maintenance of the project concerned. A further prayer for a direction to opposite parties to implement order dated 11.04.2022 passed by Deputy Labour Commissioner, Lucknow has also been sought.
4. It has been submitted that members of petitioner-Union were engaged on daily wage basis by the department but are now being displaced due to issuance of Notification dated 21.09.2023. It is submitted that since petitioners have been functioning on daily wage basis with the department concerned for a considerable length of time, they have already acquired eligibility and experience for continuance on the post and therefore the opposite parties erred in issuing the Notification dated 21.09.2023, the result of which would be that petitioners would stand replaced.
5. After arguing at some length, learned counsel for petitioner does not wish to press the relief with regard to Notification dated 21.09.2023 at this stage and is restricting his prayer for a

direction to opposite parties to consider petitioner's representation dated 11.08.2023.

6. Considering the innocuous prayer, without entering into merits, opposite party no.3 i.e. Superintending Engineer 12th Division, Irrigation Work, Ganga Sinchai Bhawan, Telibagh, Lucknow is directed to consider and decide representation of petitioner dated 11.08.2023 expeditiously within a period of six weeks from the date a copy of this order is produced before authority concerned along with a copy of said representation.

7. With aforesaid observations and directions, the petition is finally **disposed of**.

Order Date :- 26.10.2023

kvg/-