

Court No. - 1

Case :- SPECIAL APPEAL DEFECTIVE No. - 782 of 2023

Appellant :- Ram Milan Yadav

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Home Civil Sectr. Lko. And Another

Counsel for Appellant :- Indra Pratap Singh

Counsel for Respondent :- C.S.C.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

Having regard to the averments made in the affidavit filed in support of the application seeking condonation of delay, we are satisfied that the delay in filing the intra court appeal has sufficiently been explained.

Accordingly, the application is allowed and delay in filing the special appeal is hereby condoned.

Order on Memo of the Appeal

Heard learned counsel for the appellant and learned Standing Counsel for the State.

This intra-court appeal has assailed the judgement/order dated 24.08.2022 passed in Writ-A No.1876 of 2017. The writ petition was filed against the order dated 30.11.2016 whereby the reinstatement of the appellant as daily wage employee was rejected by this Court on the premise that a daily wage employee has no right of continuance unless the recruitment or regularisation is made as per rules. The appellant is stated to have served as daily wage employee and this fact is evident from the documents placed on record.

It is an admitted position of fact that the appellant has not been able to perform his duties since the year 2014 after having met with some accident.

Be that as it may, on a careful consideration of the

judgement impugned here in this special appeal, we do not find that the view expressed by the writ court suffers from any illegality or error, thus, there is no scope for interference in the present intra-court appeal in so far as the judgment under challenge is concerned. The appeal is accordingly *rejected*.

It is however clarified that in case work is available in future, the appellant shall be at liberty to apply and his candidature shall be considered having regard to his experience.

Order Date :- 16.10.2023

Shahnaz