

Court No. - 20

Case :- WRIT - A No. - 8072 of 2023

Petitioner :- Satya Ram Yadav

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

Counsel for Petitioner :- Sanjeev Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

Heard Sri Sanjeev Kumar Pandey, learned counsel for the petitioner and the learned State counsel appearing on behalf of the opposite parties.

Petition has been filed seeking a direction to opposite party to consider the case of petitioner for regularization in terms of "Uttar Pradesh Regularization of Persons Working on Daily Wages or on Work Charge or on Contract in Government Departments on Group 'C' and Group 'D' Posts (outside the purview of Uttar Pradesh Public Service Commission) Rule 2016." Directions for providing minimum of pay scale of Group 'C' posts have also been made. Learned counsel for petitioner has submitted that petitioner has been working on daily wage basis with the opposite parties since the year 1990 and is therefore eligible for being considered for regularization in terms of aforesaid Rules. It has been submitted that earlier vide letter dated 09.05.2017, details had been sought with regard to service of petitioner's for the purposes of Regularization but no action thereafter has been taken. It is submitted that petitioner had also made a representation to the authority concerned, which however does not bear any receipt. At present, learned counsel for petitioner restricts his prayer for a direction to opposite party to consider the claim of petitioner for regularization.

Considering the innocuous prayer being made by learned counsel for petitioner and without entering into merits of the case, petitioner is granted liberty to file fresh detailed representation before opposite party no.3 i.e. Divisional Forest Officer, Gonda Division Gonda. In case such representation is made, the same is to be considered and decided by speaking and reasoned order within a period of four weeks from date a copy of this order is produced before the said opposite party.

So far as the claim for minimum of pay-scale is concerned, learned counsel for petitioner has placed reliance upon

judgment rendered by Hon'ble the Supreme Court in the case of ***Shabha Shanker Dubey Vs. Divisional Forest Officer & Ors, Civil Appeal No.10956 of 2018*** in which following the case of ***State of U.P. & Ors. Vs. Putti Lal and State of Punjab and Ors. Vs. Jagjit Singh & Ors.***, it has been held that the temporary employees, daily wage employees, ad-hoc employees, employees appointed on casual basis, contractual employees etc. are entitled to minimum of regular pay-scale on account of their performance the same duties which are discharged by those engaged on regular basis against sanctioned posts.

In view of aforesaid pronouncement by Hon'ble the Supreme Court, it is directed that petitioner shall be paid minimum of pay-scale of the post on which he is working.

In view of aforesaid, the petition stands **disposed of**.

Order Date :- 17.10.2023

Subodh/-