

Court No. - 9

Case :- WRIT - A No. - 9204 of 2023

Petitioner :- Pankaj Kumar

Respondent :- State Of U.P. Thru. Prin. Secy. Environment ,
Forest And Climate Change Deptt. Lko. And 4 Others

Counsel for Petitioner :- Pradeep Chandola

Counsel for Respondent :- C.S.C.,Rishabh Tripathi

Hon'ble Rajan Roy,J.

Heard.

The petitioner had earlier approached this Court seeking regularization from the date of regularization of services of his junior Sri Panchoo Prasad. The petition was disposed of with a direction to the concerned authority to take a decision. Decision has been taken in compliance thereof which is dated 06.09.2023 and it is impugned in this second writ petition.

The contention of learned counsel for the petitioner is that claim of the petitioner has been rejected on the ground that Sri Panchoo Prasad was appointed in the year 1991 whereas the petitioner was appointed in the year 2006. According to him, this is factually incorrect and contrary to the records of the Corporation itself. In this regard, he relies upon a report dated 05.02.2018 contained in Annexure no.9, according to which, there is no evidence regarding working of Sri Panchoo Prasad from 01.04.1991 to 2007. Therefore, the basis of the impugned order is factually incorrect.

Learned counsel for the Corporation says that he may seek instructions in the matter.

No purpose would be served by keeping this matter pending. Let opposite party no.4 who has passed the impugned order get the aforesaid aspect verified from the records and a fresh decision be taken accordingly, meaning thereby, if on such re-inquiry it is found that Sri Panchoo Prasad in fact was not appointed on 01.04.1991 and there is no evidence of him having been appointed from the said date and having worked till 2007 as is mentioned in the report dated 05.02.2018 then the claim of the petitioner for regularization of his services on the aforesaid ground shall be reconsidered and a fresh order shall be passed. However, if on such inquiry it is found that Sri Panchoo Prasad in fact was appointed on 01.04.1991 or on any other date prior

to the appointment of the petitioner then merely this fact along with supporting documents shall be communicated to the petitioner and the impugned order herein shall remain as it is. This exercise shall be completed and decision be communicated to the petitioner accordingly within six weeks.

With these observations/ direction, the writ petition is **disposed of**.

(Rajan Roy,J.)

Order Date :- 4.12.2023

Shanu/-