

Court No. - 20

Case :- WRIT - A No. - 10108 of 2023

Petitioner :- Umesh Singh And 9 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home U.P. Lko. And 3 Others

Counsel for Petitioner :- Ashok Kumar Singh,Rahul Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard Mr.Rahul Kumar Singh, learned counsel for petitioners and learned State Counsel for opposite parties.

2. Petition has been filed challenging order dated 4th January 2023 and notice dated 5th January, 2023, whereby petitioners' names have been directed to be deleted from the data portal of the department with the net result that petitioners prior to passing of impugned orders working on the post of volunteers in Prantiya Rakshak Dal stand terminated. Also under challenge is the order dated 5th January, 2023 whereby a notice/ warning has been issued that in case any of the 290 terminated persons approach the authorities concerned regarding their termination, first information report against them would be filed.

3. It has been submitted by learned counsel for the petitioners that all the petitioners were working as Rakshak in Prantiya Rakshak Dal since last several decades. He further submits that the services of the petitioners have been terminated by opposite party no.1 and specific averment has been made in paragraph 12 of the writ petition that no opportunity of hearing has been given to the petitioners prior to termination of their services. In this regard reliance has been placed upon the judgement of this Court passed in the case of ***Jawahar and others v. State of U.P. and others***; Writ A No. 4155 of 2023, a copy of which is annexed as Annexure no.5 to the petition, whereby in similar circumstances, orders impugned have been quashed. Learned counsel has also placed reliance upon another judgment passed by this Court in Writ A No.5128 of 2023; ***Prahalad Kumar Alias Prahlad Kumar Maurya & 35 Others v. State of U.P. & 4 Ors.*** wherein similarly situated persons who have been terminated by impugned order have approached this Court and the Court had quashed the impugned orders. Thus, it is prayed that the petitioners be given the benefit of the order passed in the case of ***Jawahar*** (supra) and ***Prahalad Kumar Alias Prahlad Kumar Maurya*** (supra).

4. Upon consideration of aforesaid submissions and material on

record, it is evident that no personal notice was ever issued to the petitioners prior to passing of the impugned orders. The impugned order itself does not indicate any personal notice having ever been served upon any of the petitioners.

5. The aspect that even post decisional hearing has not been granted to petitioner is also evident from the notice dated 5th January, 2023 whereby the opposite parties in fact have issued a warning to the 290 volunteers, whose name have been deleted, not to approach any of the authorities concerned failing which first information reports under Section 186 and 353 IPC have been directed to be lodged.

6. In view of aforesaid facts and circumstances that impugned order dated 4th January, 2023 has been passed without consideration/ stand of the petitioners, same is quashed by issuance a writ in the nature of Certiorari granting liberty to opposite parties to pass orders afresh after serving them with notice to appear before the committee on a date, time and place which has been fixed and indicated in the notice itself. Fresh orders shall be passed after considering the stand of petitioners. The entire exercise is to be completed by opposite parties within a period of two months from the date a certified copy of this order is produced before the concerned authority.

7. Service benefits to petitioners shall abide by the final decision taken. The impugned notice dated 5th January, 2023 being against all norms is also quashed by issuance a writ in the nature of Certiorari.

8. Since admittedly petitioners have been performing their duties for past many years without apparently any complaint against them and also keeping in view directions passed by this Court in similar matters in Writ A No. 4155 of 2023; ***Jawahar and 26 others versus State of U.P. and others*** and in Writ A No.5128 of 2023; ***Prahalad Kumar Alias Prahlad Kumar Maurya & 35 Others vs. State of U.P. & 4 Ors.***, it is directed that till conclusion of aforesaid inquiry, petitioners shall be allowed to work as volunteers in Prantiya Rakshak Dal and paid their honorarium.

9. Resultantly, the petition succeeds and is **allowed**.

Order Date :- 22.12.2023

Subodh/-