

Allahabad High Court

Mukesh Trivedi vs Kshetriya Ayurvedic Evam Unani ... on 13 July, 2010

Court No. - 38

Case :- WRIT - A No. - 40089 of 2010

Petitioner :- Mukesh Trivedi

Respondent :- Kshetriya Ayurvedic Evam Unani Adhikari And Others

Petitioner Counsel :- Deepak K. Jaiswal

Respondent Counsel :- C. S. C.

Hon'ble Shishir Kumar,J.

Heard learned counsel for the petitioner and learned Standing Counsel.

Petitioner was working as a daily wager from 1993 continuously. According to the petitioner, he is entitled to be regularized in view of the circular dated 28.07.1999. Petitioner submits that various persons have approached this Court by filing writ petition and this Court has directed to consider their claim and their services have already been regularized. Further reliance has been placed by the petitioner to the order passed in Writ Petition No.70673 of 2005, on 21.12.2009.

However, these are the questions which can only be considered by the relevant authority though the petitioner is only claiming regular appointment on the basis of circular dated 28.07.1999, which is separate and independent from the Regularization Rules. The respondents have not disputed the aforesaid circular, therefore, in my opinion, respondents are under the obligation to consider the claim of the petitioner in accordance with aforesaid circular.

Accordingly, this writ petition is being disposed of finally with a direction to the respondent No.3 to consider the case of the petitioner taking into consideration the circular for the purposes of regular appointment on an existing post, if any, in accordance with law within a period of three months from the date of production of certified copy of the order.

The writ petition is disposed of accordingly.

No order as to costs.

Order Date :- 13.7.2010 NS