

Rakesh Dutt Vs. State of U. P. and Others

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Court : Allahabad

Decided On : Aug-14-1997

Reported in : 1998(1)AWC87

Judge : Sudhir Narain, J.

Acts : Uttar Pradesh Collection Amins' Rules, 1972 - Rules 5 and 17A; Uttar Pradesh Collection Amins' (Amendment) Rules, 1992 - Rule 5 and 5(1); Uttar Pradesh Collection Amins' Service Rules, 1974

Appeal No. : C.M.W.P. No. 23693 of 1997

Appellant : Rakesh Dutt

Respondent : State of U. P. and Others

Advocate for Def. : S.C.

Advocate for Pet/Ap. : I.K. Chaturvedi, Adv.

Judgement :

Sudhir Narain, J.

1. The petitioner seeks writ of mandamus commanding the respondents to permit the petitioner to work as Seasonal Collection Amin and to pay the salary of the petitioner and further to regularise the service of the petitioner as Collection Amin.

2. The version of the petitioner is that he was appointed as Seasonal Collection Amin in the year 1973 and since then he has worked as Seasonal Collection Amin till the year 1994. On 21.5.1995 a seniority list of the Seasonal Collection Amins was prepared by the Committee constituted by the Collector and in the said seniority list, the name of the petitioner finds place at Serial No. 11. On the basis of the aforesaid seniority list, several other candidates were appointed as Collection Amin in the year 1995-96 who were junior to the petitioner. The petitioner has been ignored. He had collected more than 70 per cent of Government dues as directed by the authorities concerned.

3. The grievance of the petitioner is that he has not been allowed to function in the year 1997 even as Seasonal Collection Amin. In this respect, the petitioner can make representation and unless there are charges or other cogent reasons, the petitioner should not be deprived of to work as Seasonal Collection Amin, if the work of Seasonal Collection Amin is available.

4. As regards the regularization, the claim of the petitioner will be examined keeping in view the provisions of U. P. Collection Amins' Service Rules, 1974 as amended from time to time.

5. The State Government has framed Rules for appointment of Collection Amins known as U. P. Collection Amins' Rules, 1974. The Rule was amended from time to time. The State Government issued Notification No. 2755 (1) x 22-2-/1/7197/-7, dated 23rd October, 1992 whereby certain amendments in the Rules were made which is known as U. P. Collection Amins' (Fifth Amendment) Rules, 1992. The amended Rule 5 provides the source of recruitment as follows :

(1) 15 per cent of the vacancies are to be filled up by promotion of Collection Peons who were appointed on the substantive vacancies provided they have passed High School Examination or examination equivalent to it and secondly they had worked in the revenue department at least for six seasons.

(2) 35 per cent of the vacancies are to be filled up by Seasonal Collection Amins by way of selection provided they had worked for four seasons satisfactorily and secondly their age does not exceed 45 years on the date of selection.

(3) 50 per cent of the vacancies to be filled up by direct recruitment after due selection.

6. Seasonal Collection Amins, who had worked for minimum four seasons satisfactorily, are entitled to appear for selection. Rule 17A provides that the Collector shall prepare a list of the Seasonal Collection Amins who had worked satisfactorily for at least four seasons. The list shall be prepared according to seniority. There is an explanation added to it that the work shall be treated as satisfactory if the collection is not less than 70 per cent of the target fixed. The procedure for selection has been provided under Rule 18.

7. The right of a Seasonal Collection Amin for regularisation was considered in Mata Deen and others v. State of U. P. and others, (1996) 3 UPLBEC 2227. The writ petition was disposed of with certain directions. This writ petition is also disposed of with the directions given below :

(i) An eligibility list of Seasonal Collection Amins, who are found eligible under Rule 5 (1) of the amended rules shall be prepared by the concerned Collector of the district on the basis of seniority (service period) at the district level in accordance with Rule 17-Ka.

(ii) 35 per cent of the total vacancies shall be filled from amongst Seasonal Collection Amins in accordance with Rules 5 and 17Ka of the amended rules and also in accordance with other provisions of the Rules.

(iii) A select-list shall be published of the candidates so selected and they shall be allocated to different Tahsils of the District according to the vacancies at Tahsil level and then the concerned Sub-Divisional Officer shall issue appointment orders of the selected candidates so allocated to their respective Tahsils.

(iv) The Collector shall appoint a Selection Committee which shall consider the names of the persons in the seniority list and recommend For the names for appointment taking into consideration the principle of seniority subject to rejection of unfit.

(v) Till the availability of the selected candidates in accordance with law, the petitioner shall not be disturbed from his post unless there are reasons not to take work from him.

8. In case the petitioner makes representation along with certified copy of this order and a true copy of the writ petition before the Collector, Chhatrapati Sahuji Maharaj Nagar, that shall be disposed of within two months from the date of making the representation.

9. The writ petition is disposed of with the directions given above.

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