

Rabendra Kumar Singh Vs. Superintending Engineer, Electricity Distribution Circle, Aligarh and Others

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Court : Allahabad

Decided On : May-18-1999

Reported in : 1999(3)AWC2157; (1999)2UPLBEC1230

Judge : D.K. Seth, J.

Acts : Uttar Pradesh State Electricity Board Ministerial Establishment (Office of the Chief Engineer and other Subordinate Offices) Regulations, 1970

Appeal No. : C.M.W.P. No 9139 of 1999

Appellant : Rabendra Kumar Singh

Respondent : Superintending Engineer, Electricity Distribution Circle, Aligarh and Others

Advocate for Def. : S.P. Mehrotra, Adv.

Advocate for Pet/Ap. : M. Dixit, Adv.

Judgement :

D.K. Seth, J.

1. The petitioner was given appointment under the Dying-in-Harness Rules by an order dated 2nd February, 1999 contained in Annexure-6 to the writ petition. It contained a condition that the petitioner should produce his certificate relating to his educational qualifications. Subsequently, his appointment was cancelled by an order dated 6th March, 1999 which is Annexure 5 to the writ petition on the ground that the petitioner was unable to produce the certificate relating to his educational qualification.

2. Admittedly, the petitioner is an Intermediate. He was given appointment in the post of Routine Grade Clerk. There was a regulation being the U. P. State Electricity Board Ministerial Establishment (Office of the Chief Engineer and other Subordinate Offices) Regulations, 1970 which had since been amended on 22nd April, 1998. For the post of Routine Grade Clerk, the qualification in the said Regulations was prescribed as Graduate with knowledge of typing and computer as is evident from Annexure-CA-I and II of the counter-affidavit. Admittedly, the petitioner is not a Graduate. He has not been able to show that he had the knowledge in typing or in computer. In such circumstance, in the absence of such qualification, the petitioner cannot be allowed to continue in the post of Routine Grade Clerk even though he obtained the appointment under the Dying-in-Harness Rules. Inasmuch as, Dying-in-Harness Rules does not prescribe that the appointment on compassionate ground would also mean relaxation of required qualification for the post. In paragraph 8 of the counter-affidavit it has been pointed out that the petitioner was asked to submit a fresh application for appointment on compassionate ground to some other posts suitable to his qualification.

3. In that view of the matter, I do not find any reason to interfere with the order impugned in this writ petition. In view of the assurance made through the statement in paragraph 8 of the counter-affidavit supported by affidavit, the respondents are directed to consider the petitioner's application, if he makes any such application for appointment under the Dying-in-Harness Rules within a period of three months from making such application, according to the assurance recorded to the counter-affidavit.

4. In the result, I am not inclined to interfere with the order impugned. The writ petition fails and is accordingly, dismissed with the above observation. However, there will be no order as to costs.

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