

Suneel Kumar Vs. Regional Assistant Director of Education (Basic) and anr.

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Court : Allahabad

Decided On : Apr-29-2002

Reported in : 2002(4)AWC2844; (2002)3UPLBEC2742

Judge : Anjani Kumar, J.

Acts : Uttar Pradesh Temporary Government Servants (Termination of Services) Rule, 1975 - Rules 4 and 5

Appeal No. : C.M.W.P. No. 22875 of 1988

Appellant : Suneel Kumar

Respondent : Regional Assistant Director of Education (Basic) and anr.

Advocate for Def. : K.S. Shukla, S.C.

Advocate for Pet/Ap. : Anil Srivastava, Adv.

Disposition : Petition dismissed

Judgement :

Anjani Kumar, J.

1. Petitioner who was appointed vide order dated 22.4.1987 passed by Regional Assistant Director of Education, Basic, Moradabad on the post of Junior Clerk. The order of appointment (Annexure-1 to the writ petition) clearly demonstrates that the

appointment is purely temporary and can be terminated at any time even without prior notice. Petitioner was working when his services were terminated by impugned order dated 5.9.1988 (Annexure-6 to the writ petition) wherein the petitioner's services terminated in exercise of powers under rule known as U. P. Government Servants (Termination of Services) Rules, 1975 by giving a month's notice that from the date of issuance of this notice, his services will stand terminated. It is this notice which has been challenged by the petitioner on the ground that the order of termination does not give any reason. This Court while entertaining this writ petition granted an interim order which interim order is still continuing.

2. Learned counsel for the petitioner has argued that the petitioner who has been working since 1988 by virtue of the aforesaid interim order and now cannot be allowed to be thrown on the roads, as in between he has become overage. So far as the order of termination is concerned, in view of this letter of appointment, the order dated 5.9.1988 is unassailable and nor could any defect be pointed out by the learned counsel for the petitioner.

3. In this view of the matter, this writ petition deserves to be dismissed and is hereby dismissed, Interim order stands vacated.

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