

Saroop Ram Sharma and anr. Vs. State of U.P. and ors.

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Court : Allahabad

Decided On : Sep-18-2002

Reported in : 2003(3)AWC2216

Judge : Rakesh Tiwari, J.

Acts : Collection Amin Rules, 1974

Appeal No. : C.M.W.P. No. 7928 of 1990

Appellant : Saroop Ram Sharma and anr.

Respondent : State of U.P. and ors.

Advocate for Def. : S.C.

Advocate for Pet/Ap. : C.B. Yadav, Adv.

Disposition : Writ petition dismissed

Judgement :

Rakesh Tiwari, J.

1. Heard the learned counsel for the parties and perused the records.
2. This writ petition has been filed by the petitioners challenging the order of termination dated 1.3.1990, passed by respondent No. 4, Annexure-7 to the writ

petition.

3. The petitioners were appointed as Collection Amin by respondent No. 2 in the year 1981 and since then they were working at Tehsil Fatehabad, district Agra. Petitioner No. 1 was made permanent on the vacancy occurred due to retirement of Ramesh Chand on 31.1.1989, who was working as Collection Amin. Petitioner No. 2 was also made permanent due to promotion of Bhawani Singh, Collection Amin. It is submitted that a seniority list of Collection Amins was prepared in the office of Additional District Magistrate (F & R), Agra, respondent No. 2. In the aforesaid list, the name of petitioner No. 1 was placed at serial No. 31 and the name of petitioner No. 2 was placed at serial No. 33. They joined their services since the date of their appointment at Tehsil Firozabad and at Tehsil Fatehabad respectively. On 27.2.1990, respondent No. 2 issued an order directing respondent No. 3 that the services of the petitioners in terms of G.O. Nos. 15, 18, 86-Karmik-1, 86 dated 29.3,1986, may be terminated.

4. By the impugned order dated 27.2.1990, Annexure-4 to the writ petition, the services of the petitioners were terminated in terms of the aforesaid G.O. dated 29.3.1986. In para 2 of the G.O. it is provided that the ad hoc appointments would be made for a period of one year and thereafter would come to an end, if not terminated earlier. If in special circumstances it is found necessary, the appointment has to be continued beyond the period of one year till regular appointment is made, in that condition the incumbent should be given fresh appointment.

5. By the order dated 1.3.1990, petitioners were informed by Tehsildar, Fatehabad that their services have been terminated in compliance of the order dated 28.2.1990, which runs as under :

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vkns'k]

Jh jke eqjkjh laxzg vehu {ks=MkSdh

2&vij; ftykf/kdkjh A fo@jktvkxjk ds i=kad420@eq- jk- ys- A LFkk- fnukad27 Qjoh
1990 ds ifjizs{; esa rglhynkj Qrsgkckn ds vkns'k fnukad 28-2-90 dsvuqikyu esa
vkidh Isok;sa rRdkyhu izHkko Is leklr dj nh x;h gS A

vr%rnFkZ@vLFkk;hlsok;sa fnukad 28-2-90 Is leklr gks pqdh gS A vki vius leLr
vfHkys[k vfoyeclaxzg dk;kZy; eas tek dj nsa A vU;Fkk foyEc dk mRrjnkf;Ro vkidk
gksxk A

g- vLi'V

rs rglhynkj

Qrsgkckn A**

6. A perusal of the order dated 1.3.1990, Annexure-7 to the writ petition shows that it is only the communication and not the order of termination of services as alleged by the petitioner. It is submitted by the counsel for the petitioner that the G.O. issued by the Board of Revenue, Uttar Pradesh, Lucknow, dated 14th April, 1976, Annexure-8 to the writ petition provides that Additional District Magistrate (F & R) Agra, is the appointing authority of the Collection Amins and on this basis, it is contended that the services of the petitioners could not have been terminated by the Tehsildar vide order dated 1.3.1990, which in fact is only the communication of the order of the superior authority. It is contended that in the aforesaid G.O. the powers of the S.D.M. and Tehsildar are given, which are as under :

^vius lc fMohtu ds vUnj dk;Zjr %

1laxzg vehuksa ftlesa jhtuy vehu Hkh lfEefyr gSa dh fu;qfDr djuk rFkk mUgsa
n.Mnsuk A

2 mur`rh; Js.kh deZpkfj;ksa dh ftuds fu;qfDr vf/kdkjh dysDVj gaSa] 30 fnu rd
dkmikftZr vodk'k Lohr djuk A

2& vius lc fMohtu esa leLrprqFkZ Js.kh deZpkfj;ksa dh fu;qfDr djuk rFkk mUgsa
n.M nsuk A

1&viuhrglhy; ds vUnj dk;Zjr djuk A

1laxzg vehuksa dk LFkkukUrj.k djuk A

2laxzg vehuksa dks y?kq n.M nsuk A**

7. Standing counsel has vehemently argued that the petitioners were temporary Amins working under the order passed by the S.D.M. He submitted that according to the Collection Amins Rules, 1974, the appointments of the permanent Amins can be made only by the Selection Committee consisting of President/ Chairman after holding examination, interview etc. He states that appointment of the petitioners was temporary and, therefore, they have no right to hold the post. He further contended that the petitioners were appointed on ad hoc basis by order dated 2.3.1989 for a period of one year and that the services of temporary employee can be dispensed with under U. P. Temporary Government Servant Rules, 1975. The petitioners have not filed any appointment letter showing that they have been appointed as permanent Collection Amins against any substantive vacancy according to the procedure prescribed under the Rules. It has been submitted that the seniority list is of ad hoc Amins and list of regular/permanent Collection Amins is prepared according to the Rules. Thus, the petitioners have failed to show that they were permanent.

8. The appointment of Seasonal Collection Amins is made only for one year and their services have come to an end being temporary/ad hoc. The petitioners could not point out any illegality or material irregularity in the impugned orders dated 27.2.1990 and 1.3.1990, passed by respondent Nos. 2 and 4 respectively.

9. For the reasons stated above, the writ petition fails and is dismissed. No order as to costs.

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