



2026:AHC:170842

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 39433 of 2014

Chandan Kushwaha

.....Petitioner(s)

Versus

State Of U.P. Thru Secy. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Hausila Prasad, Satya Prakash Mishra, Sharad Malviya
Counsel for Respondent(s)	:	C.S.C., N.N. Mishra, Pankaj Srivastava, S.M.Shukla, Sharad Malviya

Court No. - 32

HON'BLE DINESH PATHAK, J.

1. Heard learned counsel for the parties.
2. This writ petition has been filed, inter alia, seeking the following relief:

"to issue a suitable writ, order or direction in the nature of mandamus commanding the respondents to treat the services of the petitioner as a permanent employee of Nagar Nigam, Jhansi and pay his salary as per Rules applicable to a permanent employee."

3. Learned Counsel for the petitioner submits that the petitioner was appointed on compassionate grounds in the year 2001; however, his services have not yet been regularised. Therefore, his services are not covered by the Government Order dated 23.07.2012. It is further submitted that the Municipal Commissioner (respondent no. 2), has already made a communication dated 13.02.2012 (Annexure no.1) addressed to the Principal Secretary, Nagar Vikas Vibhag, Government of U.P., Lucknow, recommending regularisation of the petitioner's services. However, till date, the Principal Secretary, respondent no. 1, has not taken any appropriate decision with regard to regularisation of the petitioner's service.

4. While entertaining the instant writ petition, this Court passed the following order dated 01.08.2014 :

"Heard the learned counsel for the petitioner and Shri N.N.Mishra, learned counsel on behalf of respondent no. 1 & 2.

Three weeks time is granted to file counter affidavit. Two weeks thereafter for rejoinder affidavit.

List thereafter.

The petitioner's father was working on Class D post in Nagar Nigam, Jhansi who died in harness and subsequently the petitioner was appointed as Helper in the Street Light Department, Nagar Nigam, Jhansi on 1.8.2001.

The petitioner has approached this Court seeking a direction that the petitioner be treated as regular employee of Nagar Nigam. It is contended that pursuant to the Government Order dated 23.7.2012 regarding removal of persons illegally appointed in the local bodies on contract basis as Safai Karmi and should not be paid their salary from the funds of the local bodies. It has been averred in Paragraph 9 of the writ petition that the petitioner's services has been shifted to a contractor and his salary is now being paid by the Contractor.

The submissions of the learned counsel for the petitioner is his service does not fall within the ambit of Government Order as the petitioner was appointed under dying in harness rules by the Nagar Nigam, hence his salary is to be paid from the funds of Nagar Nigam. .

Submission requires consideration.

Till the next date of listing, it is provided that the petitioner shall continue on the establishment of the Nagar Nigam, Jhansi and his salary shall be released from the funds of the Nagar Nigam, Jhansi."

5. Sri Om Prakash Singh, learned Advocate, appears for respondent no. 2 and learned Standing Counsel appears for respondents no. 1 and 3 have contended that they have no objection if a direction is issued for expeditious disposal of a fresh representation to be moved by the petitioner redressing his grievance, in the light of the recommendation letter dated 13.02.2012, within such stipulated period as may be directed by this Court.

6. In this conspectus, as above, no useful purpose would be served by keeping this matter pending. Therefore, this Court deems it appropriate to finally dispose of the present writ petition, without making any observation on the merits of the case, with liberty to the petitioner to move a detailed representation redressing his grievance, in the light of the recommendation letter dated 13.02.2012 (Annexure No. 1) and interim order dated 01.08.2014 passed by this court, within a period of three weeks from today, along with a certified copy of this order and a self-attested copy of the instant petition, before the Principal Secretary, Nagar Vikas Vibhag, Government of U.P., Lucknow, (respondent no. 1). Upon receipt of the said representation, respondent no. 1 shall pass an appropriate order, in accordance with law, expeditiously, preferably within a period of **three** months thereafter.

7. With the aforesaid directions and observations, present writ petition stands **disposed of**.

August 13, 2026
vkg

(Dinesh Pathak,J.)