



2026:AHC-LKO:22743

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 3725 of 2025

Shiv Poojan Singh

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Abhishek Dwivedi, Pradeep Chandola
Counsel for Respondent(s)	:	C.S.C.

Court No. - 18

HON'BLE KARUNESH SINGH PAWAR, J.

Heard learned counsel for the petitioner and learned Standing counsel for the respondent State.

By means of this petition the petitioner has prayed for the following main relief:-

"i) to issue a writ, order or direction in the nature of Certiorari quashing the order dated 19.10.2023 passed by Director, Training and Employment, U.P. Lucknow as contained in Annexure No. 1 to the writ petition.

ii) to issue a writ, order or direction in the nature of Certiorari quashing the order dated 13.11.2024 passed by Principal, Industrial Training Institute, Sultanpur as contained in Annexure No. 2 to the writ petition.

iii) To issue a writ, order or direction in the nature of Mandamus commanding the opposite parties not to give effect to the impugned orders dated 19.10.2023 passed by Director, Training and Employment, U.P. Lucknow and 13.11.2024 passed by Principal, Industrial Training Institute, Sultanpur as contained in Annexure nos. 1 and 2 respectively to the writ petition.

iv) To issue a writ, order or direction in the nature of Mandamus commanding the opposite parties to regularize the services of the petitioner under the provisions of U. P. Regularization of Daily Wages Appointment on Group-C Post (Outside the Purview of U.P. Public Service Commission) Rules, 1998 as directed by the Hon'ble Division Bench vide judgment and order dated 10.07.2014 passed in Special Appeal No. 339 of 2004.

v) To issue a writ, order or direction in the nature of Mandamus commanding the opposite parties to grant arrears of first and second Assured Career Progression to the petitioner from due date.

vi) To issue a writ, order or direction in the nature of mandamus

commanding the opposite parties to consider and promote the petitioner on the post of Forman from the date, the persons junior to him have been promoted."

Learned counsel for the petitioner submits that the petitioner was initially appointed on the post of Instructor (Draftsman Mechanical) on 18.05.1992 in Government Industrial Training Institute, Sultanpur, on a daily wage basis. Since the services of the petitioner and other similarly situated employees were not regularised, their Union filed Writ Petition No. 5683 (SS) of 1995, *U.P. Rajkiya Audyogic Prashishan Sansthan Dainik Vetan Karamchhari Kalyan Samiti, Lucknow vs. State of U.P. and others*, which was allowed vide judgment and order dated 16.02.2004 with a direction to the respondents to consider the case of regularisation of the members of the Union, including the petitioner, under the provisions of the U.P. Regularisation of Ad hoc Appointments (on Post outside the Purview of the Public Service Commission) Rules, 1979, against the existing vacancies.

It is further submitted that prior to filing of the aforesaid writ petition, the petitioner had also filed a separate Writ Petition No. 560 (SS) of 1993 before this Court, which was disposed of on 27.05.2004. The services of the petitioner were regularised vide order dated 30.06.2005. The said regularisation order has been brought on record as Annexure No. 5 to the writ petition.

Against the judgment and order dated 16.02.2004 passed in Writ Petition No. 5683 (SS) of 1995, the State Government preferred Special Appeal No. 339 of 2004 before the Division Bench of this Court. The said special appeal was partly allowed vide judgment and order dated 10.07.2014, wherein it was held that since the members of the respondent Union had already been regularised in service much earlier, their regularisation shall be treated as having been made under the provisions of the U.P. Regularisation of Daily Wages Appointments on Group 'C' Posts (Outside the Purview of the U.P. Public Service Commission) Rules, 1998, and not under the U.P. Regularisation Rules, 1979.

The operative portion of the judgment and order dated 10.07.2014 is extracted below:-

"According to learned Standing Counsel, 36 Instructors working in ITI have already been regularized in accordance with the provisions of U.P. Regularization of Daily Wage Appointment on Group 'C' post (Outside the purview of the U.P. Public Service Commission) Rules, 1998 by means of order dated 21.9.2001 and as such, the members of the respondent association, who have been regularized, shall be treated to have been regularized under the aforesaid Rules, 1998 and not under the provisions of U.P. Regularization of Ad hoc appointments (on post within the purview of the Public Service Commission) Rule, 1979. We find force in the submission of the learned Standing Counsel. Since

the members of the respondent association have been regularized in service much earlier, it is provided that their regularization shall be treated to have been made under the provisions of U.P. Regularization of Daily Wage Appointment on Group 'C' post (Outside the purview of the U.P. Public Service Commission) Rules, 1998 and not under the provisions of U.P. Regularization of Ad hoc appointments (on post within the purview of the Public Service Commission) Rule, 1979.

The judgment and order dated 16.2.2004 passed by the learned Single Judge stands modified, in above terms.

The special appeal is allowed partly."

However, opposite party no. 2, instead of complying with the judgment and order dated 10.07.2014 passed by the Division Bench, proceeded to regularise the services of the petitioner under the provisions of Government Order dated 13.08.2015, vide order dated 23.11.2016, with effect from the date of the said order. The said action was taken in clear disregard and violation of the directions issued by the Division Bench in its judgment dated 10.07.2014.

Aggrieved by the aforesaid order dated 23.11.2016, one Jagdish Prasad Verma challenged the same by filing Writ Petition No. 171 (SS) of 2017, wherein the operation of the order dated 23.11.2016 was stayed vide interim order dated 05.01.2017. In compliance of the said interim order, the opposite parties, vide order dated 22.03.2017, kept in abeyance the regularisation of the petitioner granted vide order dated 23.11.2016, subject to the final outcome of the said writ petition.

The said writ petition was ultimately dismissed vide judgment and order dated 08.01.2021. However, against the said judgment, Jagdish Prasad Verma preferred Special Appeal No. 80 of 2021, which was allowed, and the order of the learned Single Judge was set aside. The Division Bench directed that the appellant therein be treated as regularised in terms of the earlier Division Bench judgment dated 10.07.2014, i.e., from the date of his initial regularisation, albeit under the provisions of the Rules, 1998.

Taking note of the judgments rendered in Special Appeal No. 339 of 2004 and Special Appeal No. 80 of 2021, a Coordinate Bench of this Court in Writ-A No. 1423 of 2024 (*Jainual Ahamad Ansari vs. State of U.P. and another*) allowed the writ petitions, holding that all orders passed after the judgment dated 10.07.2014 are illegal and arbitrary and were rightly quashed by the Division Bench. The Court further held that there is no reason to take a different view of the matter when the entire controversy has been settled by the Division Bench in Special Appeal No.80 of 2021 and considering these judgements the writ petition was allowed quashing the order dated 19.10.2023.

Learned counsel for the petitioner submits that the case of the petitioner is exactly

identical to that of *Jainual Ahamad Ansari*, and the petitioner is entitled to claim parity with the judgment rendered in the said case. It is further submitted that the only difference is that in the case of the present petitioner vide Annexure No. 2 to the writ petition a consequential order has also been passed.

Learned Standing Counsel, while opposing the contentions of the petitioner on the basis of written instructions, has fairly submitted that in paragraph 14 of the said written instructions, it has been admitted that the case of the petitioner is identical to that of *Jainulddin Ahmad Ansari*.

In view of the above, and also considering the judgment of the Division Bench in Special Appeal No. 339 of 2004 dated 10.07.2014 as well as the judgment rendered in Special Appeal No. 80 of 2021, the entire controversy raised in the present petition stands concluded by the aforesaid judgments. Consequently, all orders passed subsequent to 10.07.2014, which are contrary to the law laid down therein, are liable to be held illegal and arbitrary.

Accordingly, the writ petition stands **allowed**. The impugned orders dated 19.10.2023 passed by the Director, Training and Employment, U.P. Lucknow as contained in Annexure No. 1 and order dated 13.11.2024 passed by Principal, Industrial Training Institute Sultanpur as contained in Annexure No. 2 are hereby quashed. Consequences shall follow.

March 31, 2026
Madhu J.R/P.S

(Karunesh Singh Pawar,J.)