

**Court No. - 19**

**Case :-** WRIT - A No. - 53575 of 2005

**Petitioner :-** Balak Ram And Others

**Respondent :-** State Of U.P. And Others

**Counsel for Petitioner :-** Preep Pal Singh Rathore,P.K.

Srivastava,P.S. Rathore

**Counsel for Respondent :-** C.S.C.,Praveen Kumar

Srivastava,S.C.,Sri Ram Pandey

**Hon'ble Manoj Kumar Gupta,J.**

The case of the petitioners is that initially they were engaged as daily wagers but by order dated 31.12.2002, they were appointed on temporary basis and subsequently, by order dated 14.10.2004, they were made permanent. Suddenly, on the basis of some complaint made by Vice Chairman of Nagar Palika, the District Magistrate, by order dated 21.2.2005 being of the opinion that the appointment of the petitioners was illegal, recommended to the State Government for cancellation of the appointments. Consequently, payment of salary to the petitioners was stopped

The State has filed a counter affidavit placing reliance on the order of the District Magistrate recommending for cancelling the appointment of the petitioner. The affidavit is silent on the aspect as to whether the State has taken any decision in pursuance of the recommendation made by the District Magistrate.

Let the Principal Secretary, Local Bodies, file his personal affidavit in the matter clarifying whether any decision has been taken by the State-Government in the matter or not and also giving explanation as to why said aspect was not examined while filing the earlier counter affidavit before

this Court resulting in the matter getting adjourned.

List on 20 May 2019.

The order shall be communicated by Sri R.P. Dube, learned Addl. Chief Standing Counsel to the Principal Secretary, Local Bodies (respondent no.1) to ensure its due compliance.

In the meantime, leave is granted to learned counsel for the petitioner to incorporate the amendment in the body of the writ petition.

(Manoj Kumar Gupta, J.)

**Order Date :-** 24.4.2019

skv