

INSPECTOR GENERAL OF REGISTRATION U.P. AND ANR.

v.

AVDESH KUMAR AND ORS. ETC.

APRIL 12, 1996

[K. RAMASWAMY AND G.B. PATTANAİK, JJ.]

*Service Law :*

*U.P. Registration Department (District Establishment) Ministerial Service Rules, 1978/U.P. Registration Manual:*

*Registration Clerks—Appointed on daily wage basis—Regularisation of—Held all persons who were appointed either prior to 1.10.1986 or subsequent to that date would continue on ad hoc basis till regular selections are made in the light of the directions given in Khagesh Kumar's case—Selection Committee would suitably relax the age in the case of those workers who have become over aged.*

*Khagesh Kumar & Ors. v. Inspector General of Registration, [1995] Supp. 4 SCC 182, relied on.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 7500 of 1996 Etc.

From the Judgment and Order dated 22.4.92 of the High Court in Allahabad in C. Misc. W.P. No. Nil of 1992.

D.V. Sehgal, A.B. Rohtagi, R.B. Misra, S. Kulshreshtha, B.S. Jain, J.P. Singh, V.D. Khanna, U.S. Prasad, H.B. Misra, Manish Mohan, Sanjay Parikh, S.P. Singh, Rajkumar Gupta, H.P. Sharma Rajesh, B.B. Sawhney and Ajay K. Aggarwal for the appearing parties.

The Following Order of the Court was delivered :

Delay condoned.

Leave granted.

We have heard learned counsel on both sides.

- A Various orders have been passed by the High Court directing the State either to continue the respondents till the regular selections are made or to give them appointment till the regular selections are made and to pay them the salary attached to those posts. The respondents came to be appointed on daily wage basis in the Registration Department of the Office of the Sub-Registrars in the State of Uttar Pradesh. The controversy raised
- B in these cases is no longer *res integra*. In *Khagesh Kumar & Ors. v. Inspector General of Registration*, [1995] Supp. 4 SCC 182, a Bench of two Judges of this Court had gone into the controversy and given directions in paragraph 24 thus :
- C "For the reasons aforementioned, the impugned judgment of the High Court is upheld with the following directions:
- (1) The petitioners or other similarly placed persons who were employed as Registration Clerks on daily-wage basis prior to 1.10.1986 shall be considered on regularisation under the provisions of Rule 4 of the Regularisation Rules provided they fulfil the requirements of Rule 4(1)(ii) and they have completed three years' continuous service. The said period of three years' service shall be computed by taking into account the actual period during which the employee had worked as Registration Clerk on daily-wage basis. The period during which such an employee has performed the duties of Registration Clerk under Paragraph 101 of the Manual shall be counted as part of service for the purpose of such regularisation.
- (2) In the event of appointment on regular basis on the post of Registration Clerks, the petitioners or other similarly placed persons who had worked as Registration Clerks on daily-wage basis may be given one opportunity of being considered for such appointment and they be given relaxation in the matter of age requirement prescribed for such appointment under the Rules.
- (3) The Subordinate Services Selection Commission while making selection for regular appointment to the posts of Registration Clerks shall give weightage for their experience to the Registration Clerks who have worked on daily-wage basis and shall frame suitable guidelines for that purpose.
- (4) If any of the petitioners or other similarly placed person was

required to perform the duties of Registration Clerk as an apprentice under paragraph 101 of the Manual, he may submit a representation to the appropriate authority setting out the full particulars of such employment within three months and the authority concerned, after verifying the correctness of the said claim, shall pass the necessary order for payment of emoluments on daily-wage basis for the period he is found to have so worked on the post of Registration Clerk. The said payment shall be made within a period of three months from the date of submission of the representation."

In some of these cases also, the respondents came to be appointed subsequent to October 1, 1986 and they are seeking the same directions. All the persons who were appointed either prior to or subsequent to that date would continue on *ad hoc* basis till regular selections were made in the light of the directions given by this Court and the same directions would operate for payment of daily wages as envisaged in the directions pending regular selections.

It is represented that some of the candidates have become over aged. If any of the candidates, who are now working on daily wages or who had worked on daily wages, would be barred by age by the date of selection, the Selection Committee would suitably relax the age and then consider their cases along with all eligible candidates and in case the candidate came to be selected on merit according to the rules in the light of the directions, he/they would be appointed.

The appeals are accordingly allowed. No costs.

R.P.

Appeal allowed.