



2026:AHC:164703

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 57486 of 2014

Rajendra Kumar And 33 Ors

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s) : Ashok Khare, Chandra Prakash
Srivastava, Govind Lal Srivastava,
Siddharth Khare
Counsel for Respondent(s) : C.S.C.

Court No. - 34

(SN.39)

AFR

HON'BLE ANISH KUMAR GUPTA, J.

Order on Civil Misc. Amendment Application No. 173879 of 2015, Civil Misc. Impleadment Application No. 317834 of 2015, Civil Misc. Impleadment Application No. 15 of 2021 and Civil Misc. Impleadment Application No.16 of 2021

1. Learned counsel for the petitioners on instructions submits that he do not wish to press the instant applications.

2. Accordingly, all the aforesaid applications are ***dismissed***.

Order on Writ Petition

1. Heard Sri Chandra Prakash Srivastava, Advocate assisted by Sri Govind Lal Srivastava, learned counsel for the petitioners and Sri Rajiv Gupta, learned Additional Chief Standing Counsel for the State respondent.

2. The instant petition has been filed with the following prayers:

"(i) a writ, order or direction of a suitable nature commanding the respondents to regularize/absorb the petitioners on the post

of Computer Programmer/Computer Operator and to make payment of salary in the regular pay scale applicable to the said post; Comment For regularize/absorb or alternatively to the petitioners as Statistical Assistant/Clerk in the District Rural Development Agencies of the State within a period to be specified by this Hon'ble court

3. Learned counsel for the petitioners, on instructions, submits that he do not wish to press the instant petition on behalf of the petitioner no. 7, Rajendra Kumar Chauhan, petitioner no. 28, Sushil Tyagi, and petitioner no. 30, Amit Kumar Pandey, as they have already left the job from DRDA.

4. In such view of the matter, the instant petition on behalf of petitioners no. 7, 28, and 30 is hereby ***dismissed as not pressed.***

5. It is further submitted by learned counsel for the petitioner that the petitioner no. 14, Aseem Mohan, petitioner no. 15, Krishna Kumar Srivastava, petitioner no. 17, Shailendra Kumar Tripathi, petitioner no. 21, Rakesh Kumar Srivastava, and petitioner no. 25, Arun Kumar and petition no. 29, Vinay Kumar Yadav have already attained the age of superannuation. it is also submitted by the counsel for the petitioner that the petitioner no. 10, Rajesh Srivastava has died.

6. In such view of the matter, the prayer for regularisation/absorption on behalf of the aforesaid petitioners no. 14, 15, 17, 21, 25, and 29, and petitioner no. 10 has become infructuous. Accordingly, the same is hereby ***dismissed as infructuous.***

7. Now, the instant petition survives only with regard to petitioner nos. 1 to 6 and then petitioners no. 9, 11, 12, 13, 16, 18, 19, 20, 22, 23, 24, 26, 27, 31, 32, 33, and 34.

8. Briefly stated facts of the case are that the petitioners herein were engaged by the District Rural Development Agency in different districts from different dates starting 1986 to 2003. It is the claim on behalf of the petitioners that they are continuously working since their initial engagement as Data Entry Operator, Computer Operator and

Programmer.

9. It is stated by counsel for the petitioner that they are continuously working since their initial engagement. The instant petition has been filed by the petitioners seeking regularisation/absorption of the petitioners on the post of Computer Programmer / Computer Operator and their further claim is with regard to payment of salary in regular pay-scale applicable to the said post and alternative prayer is that the petitioners may be regularised on the post of Statistical Assistant / Clerk in the District Rural Development Agency. Learned counsel for the petitioner also submits that identically situated person employed by the DRDA in State of Uttrakhand were absorbed in the Government.

10. In the instant petition, the petitioners have also sought quashing of the order dated 03.02.2009 passed by the Chief Secretary of Government of UP, which was passed pursuant to the direction issued by this Court on 13.05.2008 in ***Writ Petition No. 23588 of 2008, Anil Awasthi and Others vs. State of UP and Others*** to consider the claim of those petitioners in view of the judgment of the Apex Court in ***State of Karnataka vs. Umadevi***, reported in ***2006 4 SCC page 1***.

11. Considering the claim of the petitioners, vide order dated 03.02.2009, the claim of identically situated persons was rejected by the Chief Secretary of Government of UP. Likewise, the petitioners have also sought quashing of the order dated 20.05.2010, which was passed by the Secretary, Rural Engineering Department, Government of UP, pursuant to the direction dated 26.03.2010 passed by this Court in ***Writ Petition No. 15875 of 2010, Devesh Saxena and Others vs. State of UP and Others***, where the Commissioner, Rural Engineering has already recommended the claim of those petitioners for regularisation and on the direction of this Court, the representation of those petitioners was decided and the claim was rejected, holding that the DRDA is a Society registered under the Societies/Registration Act and the same is being operated under the scheme of the Government of India and as per the direction issued by the Government of India with regard to the staffing pattern, the post of Computer Programmer Operator, Data Entry Operator is not included. Therefore, the claim of identically situated persons was also rejected by

the said order dated 20.05.2010. Since the petitioners herein were not the petitioners in those petitions or in representation, which were decided by order dated 03.02.2009. In such view of the matter, the petitioners have no right to seek quashing of those orders. The persons aggrieved by the rejections might have the right to challenge the said orders but the said orders cannot be quashed at the behest of the petitioners herein. Therefore, the said prayer no. 2 of the instant petition is hereby rejected.

12. By filing the rejoinder affidavit in instant petition, the petitioner has relied upon the Government order dated 13.08.2015 as well as 09.12.2021. From perusal of the Government Order dated 13.08.2015, it is apparent that the same is applicable to the Government Departments, Autonomous Bodies, Public Enterprises and Corporations, Local Bodies and Development Authorities and District Panchayats and the same is not applicable to the DRDA, which is a Society registered under the Societies Registration Act, which is performing the functions in terms of the Schemes of the Government of India. Therefore, in the considered opinion of this Court, no benefit under the said Government order can be accorded to the petitioners herein.

13. The petitioners have also relied upon the Government order dated 09.12.2021, which refers to Rule 6(1) of UP Regularisation of Persons Working on Daily Wages or on Work Charge or on Contract in Government Departments on Group 'C' and Group 'D' Posts (Outside the Purview of the Uttar Pradesh Public Service Commission) Rules, 2016.

14. Rule 2 Sub-clause (3) specifically provides that these rules would not be applicable to the person / persons engaged, employed, deployed on consolidated pay, fixed honorarium in the schemes / projects of the State Government or the Government of India sponsored program.

15. In such view of the matter, since the petitioners were engaged by the DRDA, which is a Society registered under the Societies Registration Act and which is performing the functions under the Schemes and Projects of the Government of India, no benefit under the 2016 Rules can be accorded to the petitioner.

16. In such view of the matter, this Court do not find any merits in the claim of the petitioners with regard to regularisation as claimed by them. Accordingly, instant petition is ***dismissed***.

(Anish Kumar Gupta,J.)

August 6, 2026

Shubham Arya