
(2012) 01 AHC CK 0517

Allahabad High Court

Case No: Writ - A No. 36017 of 2010

Jitendra Kumar And Others

APPELLANT

Vs

State of U.P. And Others

RESPONDENT

Date of Decision: Jan. 20, 2012

Hon'ble Judges: Pradeep Kumar Singh Baghel, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Hon"ble Pradeep Kumar Singh Baghel, J.

Heard Sri Alok Kumar Yadav learned counsel for the petitioners and learned Standing Counsel.

2. The petitioner are twenty in numbers. They are aggrieved by the order dated 13.4.2010 passed by the Cane Commissioner/Registrar, Cooperative Cane Societies, U.P.Lucknow published in official gazette on 17.4.2010 whereby U.P.Cane Co-operative Service Regulations, 1975 has been amended. It is submitted by learned counsel for the petitioner that the said amendment in the aforesaid definition has been found to be illegal in Special Appeal No. 943 of 2010 (Navneet Kumar and others v. State of U.P. and others) decided on 2.11.2011. Another Writ Petition No. 35927 of 2010 (Ram Krishna and others v. State of U.P. and others) has also been allowed by the learned Single Judge by order dated 16.11.2011 in the same terms.

3. Learned counsel for the petitioner states that the writ petition may be allowed in the terms of the law laid down in aforesaid Special Appeal. The direction issued in that Special Appeal as per material of the present case is reproduced herein below:

In result, all the special appeals as well as writ petitions giving rise to special appeals, are partly allowed in following manner:

(i) The judgment of learned Single Judge impugned in these appeals are set aside. The Special Appeal No. 1780 of 2010 although is against an order refusing to grant interim relief, but since the issues raised in the writ petition giving rise to Appeal No. 1780 of 2010 are fully covered by this judgment, the Writ Petition NO. 61204 of 2010 as well as Special Appeal No. 1780 of 2010 are allowed to the extent as indicated below.

(ii) The order of the Cane Commissioner dated 13th April, 2010 as published on 17th April, 2010 is set aside.

(iii) The order dated 24th April, 2010 is also quashed insofar it relieves the appellants without giving one week's notice or with a week's salary in lieu thereof. However, the appellants shall be entitled for only a week's salary as per Regulation 34 of the 1975 Regulations in lieu of one week notice, as a result of quashing of the order dated 24th April, 2010.

Parties shall bear their own costs.

4. Learned standing counsel does not dispute that the petitioner is entitled for the same relief.

5. In view of the aforesaid facts the Impugned order dated 13.4.2010 passed by the Cane Commissioner/Registrar, Cooperative Cane Societies, U.P.Lucknow published in official gazette on 17.4.2010 is quashed, in so far as it relieves the petitioners without giving them one week's notice or a week's salary in lieu thereof. However, petitioners shall be entitled for only a week's salary as per Regulation 34 of the 1975.

6. With the aforesaid observation and order, the writ petition is allowed.

7. No order as to costs.