

**(2008) 07 AHC CK 0248****Allahabad High Court****Case No:** None

Yogendra Pratap Singh

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

**Date of Decision:** July 16, 2008**Citation:** (2008) 118 FLR 711(1)**Hon'ble Judges:** Tarun Agarwala, J**Bench:** Single Bench**Final Decision:** Allowed**Judgement**

Tarun Agarwala, J.

In view of the office report dated 30.11.2007 service on the private respondent Nos. 4 to 7 is deemed to be served. Inspite of a stop order standing Counsel has not filed any counter affidavit. He also pleads his inability to assist the Court since his file has not been sent from his office.

2. Since no counter affidavit has been filed the averments made in the writ petition will be treated as correct. The petitioner is aggrieved by the order dated 5.8.2006 whereby his claim for regularization from the date when his juniors were regularized, i.e., from 8.4.2002 has been rejected by the authority on the ground that he has not worked the stipulated number of days. A supplementary affidavit has been filed wherein the petitioner has annexed an inquiry report dated 15.4.2008 which indicates that the petitioner has worked for 1760 days.

3. In view of the short ground the impugned order cannot be sustained and is quashed. The writ petition is allowed. The matter is remitted again to the authority to redecide the matter again in the light of the observation made above within three months from the date of the production of a certified copy of the order.