

Court No. - 35

Case :- SPECIAL APPEAL DEFECTIVE No. - 379 of 2014

Appellant :- Rakesh Prakash Pandey And 4 Ors.

Respondent :- State Of U.P. And 4 Ors.

Counsel for Appellant :- R.P. Dubey

Counsel for Respondent :- C.S.C.

Hon'ble Sheo Kumar Singh,J.

Hon'ble Attau Rahman Masoodi,J.

There is delay of 4 days. The Court is satisfied with the explanation given in the affidavit filed in support of delay condonation application, as such, delay is condoned.

Heard learned counsel for the appellant and learned Standing Counsel appearing for respondent nos. 1,2 and 3. Notice was not issued to respondent nos. 4 and 5 in the writ proceeding, as such, they are unrepresented.

Undisputedly, the appellants were working as drivers on contract basis in the year 2014. The State Government decided to award the work of operation of ambulances to a private agency and contract for operation of ambulances has already been awarded to the private agency. The said contract is not under challenge in the present writ petition.

Learned counsel for the appellants submits that a direction for consideration of the appellants for appointment as drivers may be issued. Once the contract has been awarded to a private agency, this court cannot issue any direction against a private agency in respect of the appellants for being engaged to operate the ambulances. Moreover, the engagement of the appellants was contractual, as such, any direction to continue their services is bound to frustrate the contract awarded to the private agency, which may or may not engage the appellants. The relief prayed for is misconceived and cannot be granted.

The special appeal is accordingly dismissed.

Order Date :- 16.4.2014

Sanjeev

(Attau Rahman Masoodi,J.) (Sheo Kumar Singh,J.)