

(2009) 11 RAJ CK 0034
In the Rajasthan High Court

Anit Kumar Sharma and Others

APPELLANT

Vs

The Chief Engineer, Public Health and Engineering
Department and Others

RESPONDENT

Date of Decision : 10-11-2009

Acts Referred:

Citation : (2010) 1 WLN 82

Hon'ble Judges : Narendra Kumar Jain, J

Bench : Single Bench

Judgement

Narendra Kumar Jain, J.—Heard learned Counsel for the parties.

2. Petitioners, Anit Kumar Sharma S/o Shri Radheyshyam Sharma, Radhey Shyam S/o Shri Pooran Mai, Bharat Singh S/o Shri Manglu Ram, Sunder Singh S/o Shri Atar Singh and Sunil Kumar S/o Shri Ballo Ram Sain, preferred this writ petition with a prayer that respondents be directed to declare the petitioners semi-permanent on the post on which they were working from the date they completed two years of service. The respondents in their reply to the writ petition, have contended that the petitioners were working on the post of Beldar and now all the petitioners have been declared semipermanent on their posts, therefore, this writ petition has become infructuous.

3. Learned Counsel for the petitioners further contended that the petitioners were getting the salary of Beldar, but, in fact, they were working on the post of Pumpdriver, Meter-reader and Helper as mentioned in para No. 2 of the writ petition. He further submits that similarly situated persons, namely; Raghuveer Singh S/o Shri Gordhan Singh, Man Singh S/o Shri Laxman Ram Jat and Bishambhar S/o Shri Badri Prasad Jat, have been declared semi-permanent on the post of Helper in pursuance of judgment dt. 09.03.1994 passed by this Court in S.B. Civil Writ Petition No. 1200 of 1994, therefore, the respondents be directed to further declare the petitioners as semipermanent on the post of Helper from the date of above three persons who were junior to the petitioners, have been declared semi-permanent.

4. The respondents in their reply have denied the contents of the para No. 2 of the writ petition and contended that the petitioners are not working on the post of Pump-driver, Meter-reader and Helper, petitioners have not placed on record any documentary evidence to prove this fact, no prayer has been made in the writ petition about declaration of petitioners as semipermanent on the post of Helper. In these circumstances, no further relief can be granted to the petitioners in the present case. He further contended that at the most, a liberty can be granted to the petitioners to make a representation to the respondents to declare them semi-permanent on the post of Helper as contended by them and, in case, the same is submitted, then the same will be considered and decided, sympathetically.

5. Learned Counsel for the petitioners agrees to the above proposition and contention of the learned Counsel for the respondents and submits that the petitioners be allowed a reasonable time to make a representation in this regard and the respondents be directed to decide the same within a reasonable time.

6. In view of the above discussions, the writ petition with regard to the prayer to declare the petitioners as semi-permanent on the post of Beldar, is dismissed as having become infructuous. So far as declaration of petitioners on the post of Helper is concerned, it is directed that, in case, the petitioners file the representation to the respondents within a period of one month from today along with copy of this order, then the respondents shall consider the same sympathetically, in accordance with law, within a period of three months from the date of receipt of the representation.

7. The writ petition stands disposed of in the manner as indicated above.

8. The parties are directed to bear their own costs.