
(2014) 02 MP CK 0021

In the Madhya Pradesh High Court

Case No : Writ Petition No. 793 of 2014

Kesar Singh

APPELLANT

Vs

Secretary State of M.P. 4 and Others

RESPONDENT

Date of Decision : 04-02-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2014) 02 MP CK 0021

Hon'ble Judges : P.K. Jaiswal, J

Bench : Single Bench

Advocate : Dinesh Joshi, for the Appellant; Swati Mehta, Panel Lawyer for State, for the Respondent

Final Decision : Disposed Off

Judgement

P.K. Jaiswal, J.—Heard. Petitioner has filed this writ petition and his grievance is that even though he is working on the post of Gurujis, only Honorarium is being paid to him although work of Assistant Teacher/Shiksha Karmi is being taken from him.

2. Inter alia contending that the petitioner be granted the same benefit as is being granted to Assistant Teacher/Shiksha Karmi Grade III, this writ petition is filed.

3. During the course of hearing of this writ petition, learned counsel for the petitioner brought to the notice of this Court an order passed by a Division Bench of this Court from Gwalior in Writ Appeal No. 596/2010 (Gopal Chawala and others v. State of M.P. and others), on 15.12.2010, and pointed out that in pursuance to the order passed by the Division Bench on 15.12.2010, orders have been passed granting the benefit of absorption and pay to Guruji on the post of Shiksha Karmi - Grade III. Petitioner also claimed similar benefit as has been granted to other similarly situated employees by virtue of the order by the Division Bench in the Writ Appeal.

4. From the records, it is seen that in case of Gopal Chawala (supra), Division Bench of this Court has passed the following Order:

Shri S.K. Sharma, Advocate for the appellants.

Shri C.S. Dixit, Deputy Advocate General, for respondents Nos. 1 to 3/State, on advance copy.

The only contention which has been put forth by learned counsel for the appellants is that the present appellants who were the writ petitioners are serving on the post of Guruji and only honorarium is being paid to them although the task of Assistant Teacher/Shiksha Karmi Samvida Shala Shikshak Class III is being taken from them. Learned counsel submits that atleast the minimum pay scale of the post of work which is being taken from the appellants be provided by the State Government, and in this regard learned counsel placed reliance on the decision of the Supreme Court in the case of U.P. Land Development Corporation and Another Vs. Mohd. Khursheed Anwar and Another, .

Unfortunate part is that this Court cannot legislate the law within the purview of Article 226 of the Constitution of India. However, as it is being submitted by learned counsel for the appellants that the work of the post of Assistant Teacher/Shiksha Karmi/Samvida Shala Shikshak Class III is being taken from the appellants, the State Government is hereby directed to look into the matter and if necessary, frame necessary rules and while doing so consider the dictum of the Supreme Court in the case of Uttar Pradesh Land Development Corporation (supra), in which it has been mentioned that the minimum of the pay scale of the post of the work which is being taken from the employees has to be paid. The respondents are further directed to scrutinize the case of the individual appellant in order to ascertain which type of work they are discharging and pass appropriate orders in that regard as early as possible preferably within a period of six months from today.

With the aforesaid observations, appeal is disposed of. No orders as to cost.

5. In pursuance to the same, order has also been issued granting benefit to those employees.

6. Keeping in view the directions issued by the Division Bench in the matter of Gopal Chawla (supra), the respondents are directed to consider the case of the petitioner also and pass appropriate orders considering the grievance of the petitioner and decide it by a speaking order within a period of three months from the date of receipt of certified copy of this order.

7. With the aforesaid, the petition stands disposed of. Certified copy as per rules.