

(2014) 08 AHC CK 0254

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 40288 of 2014

Malti

APPELLANT

Vs

Director Krishi Utpadan Mandi Parishad

RESPONDENT

Date of Decision : 05-08-2014

Acts Referred:

Citation : (2014) 106 ALR 463 : (2014) 5 AWC 5224 : (2014) 143 FLR 792

Hon'ble Judges : Vivek Kumar Birla, J;Amreshwar Pratap Sahi, J

Bench : Division Bench

Advocate : Vinok Kumar Soni, Advocate for the Appellant; Satish Mandhyan and M.C. Chaturvedi, Advocate for the Respondent

Judgement

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Amreshwar Pratap Sahi and Vivek Kumar Birla, JJ.—The petitioners were working as Safai Karmchari in the respondent Mandi Parishad at the Market Yard Jhansi. The petitioners were working on daily wages and work charge basis. The petitioners contend that now such cleanliness is sought to be executed through a contractor on inviting tenders. They are aggrieved that they would be losing their jobs if the tenders are accepted and the same is executed by the respondent Mandi Parishad.

2. Learned Counsel for the petitioners has relied on the executive instructions of the then Director dated 4th April, 1995 and the 2001 Regularization Rules as well as the judgment of a learned Single Judge in the case of Prakash Narayan Sirothia v. State of U.P. and others, to contend that the petitioners who have been working since long, deserve to be regularised, or some arrangement should be made and their job should not be handed over to third parties through tenders.

3. Having considered the aforesaid submissions, the petitioners have been working either on work charge basis or daily wage basis or on contract basis. With the advent of the law in the case of Secretary, State of Karnataka and

Others Vs. Umadevi and Others, , the law has entirely gone a sea change and such a regularization is not permissible.

4. The idea of getting cleaning work done by the Mandi Parishad Jhansi on contract appears to be more feasible so as to ensure that the market yard is cleaned and is available both to the customers as well as to the shop keepers in a spick and span condition. This has been done under a policy framed by the State Mandi Parishad that cannot be termed as arbitrary or unjust by dispensing with the services of the petitioners.

5. Consequently, the relief as prayed for cannot be granted to the petitioners. It is open to them to apply for the contract as and when any such tender is floated.

6. Sri M.C. Chaturvedi for the Mandi Parishad has vehemently opposed this petition and has urged that the tender has been finalized through a successful applicant. The writ petition is disposed of and consigned to records as no relief can be granted.