

(2009) 09 RAJ CK 0056
In the Rajasthan High Court

Mangi Lal Chouhan

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 14-09-2009

Acts Referred:

Citation : (2010) 1 WLN 66

Hon'ble Judges : P.C. Tatia, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prakash Tatia, J.—Heard learned Counsel for the parties.

2. The contention of the petitioner is that the petitioner was in service on the date of decision of absorption as he was working on the post of Assistant Secretary and duly qualified for absorption. The petitioner's case was factually examined by the competent authority and his case was recommended several times. Not only this but from correspondence placed on record, it is clear that the higher authority itself demanded from the lower authority about the pending matters wherein absorption have not been made and in response to those letters, the petitioner's case was again sent. It is submitted that some of the employees approached before this Court for the relief and one of the case was SB Civil Writ Petition No. 958/2005 Roop Clmnd v. State of Rajasthan and Ors. and the said decision was followed in the case of Krishan Chand Sharma v. State of Rajasthan and Ors. reported in 2009 WLC (Raj.) (UC) 226.

3. Learned Counsel for the respondents tried to justify the action of the respondents but after going through all the correspondence and even the plea taken by the respondents in the reply, this Court is of the view that the fact situation in the present case is the same as it was in the cases of other candidates. Here in this case, it is clear that the petitioner's employment is not in dispute and his continuity in service is also not in dispute. The petitioner's case was recommended several times after verifying the fact that the petitioner

is in service and is eligible for the relief.

4. In view of the above, this writ petition succeeds, hence, allowed and the respondents are directed to consider the candidature of the petitioner for absorption from the post of Assistant Secretary to the post of Secretary while treating the petitioner in service on the date of taking decision by the Government for absorption and if the petitioner is found suitable otherwise also, then the petitioner may be granted the same relief with all consequential benefits.