
(2008) 04 RAJ CK 0001

In the Rajasthan High Court

Case No : Civil Writ Petition No. 8761 of 2002

Narendra Mishra

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 16-04-2008

Acts Referred:

Citation : (2008) 117 FLR 887 : (2008) 3 WLN 595

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Judgement

Ajay Rastogi, J.—Instant petition has been filed by petitioner, who initially joined service as Junior Engineer (Civil) on 05.09.1994 in Municipal Board, Niwai, has challenged the validity of order Annex. 2 dt. 25.10.2002.

2. The State Government during service tenure of petitioner took a policy decision to regularize such Junior Engineers appointed in various Municipalities under its notification dt. 22.01.1998. Through screening and their other relevant record, present petitioner was also subjected to screening which was conducted by the committee constituted by the State Government. In pursuance of screening referred to supra, order dt. 25.10.2002 was passed and applicants namely; Kailash Vyas, Anil Kumar Gupta and Shankerlal Raiger were found suitable to be regularized as Junior Engineer and the present petitioner and other similarly situated Junior Engineers were not found fit to be regularized.

3. It has been informed to this Court that order passed on the recommendation of screening committee dt. 25.10.2002 and screening was subject matter of C.W. No. 8361/02 and 4 Ors., Dara Singh v. State of Raj. and Ors., which was decided by a common judgment dt. 11.06.2004.

4. In the case of Dara Singh (supra), three persons namely; Rameshwar Lal Sharma, Ramesh Chand Sharma and Babu Lal Kandola who were also appointed on daily wages basis they stood regularized. Hence, the case of present petitioner cannot be distinguished with the above named three persons.

5. After hearing Counsel for parties and perusal of record this Court also finds that case of present petitioner is also identical/similar to the facts of Dara Singh (supra).

6. It has also been informed that judgment of Co-ordinate Bench of this Court dt. 11.06.2004 has been affirmed by Division Bench as well and SLP No. 8865/07 preferred by the Government has also been dismissed on 24.09.2007.

7. Accordingly, the writ petition is allowed in terms of judgment referred to above. The impugned order dt. 25.10.2002 so far it relates to present petitioner stands set aside. Respondents are directed to give similar treatment to petitioner as extended to Rameshwar Lal Sharma, Ramesh Chand Sharma and Babu Lal Kandola, by regularizing his service on the post of Junior Engineer in accordance with law. Respondents are further directed to comply the order within three months from today. No order as to costs.