

(2013) 08 MP CK 0282

In the Madhya Pradesh High Court

Case No : Writ Petition No. 12536 of 2013

Sanjay Chakravarti

APPELLANT

Vs

State of MP and Others

RESPONDENT

Date of Decision : 02-08-2013

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2013) 08 MP CK 0282

Hon'ble Judges : R.S. Jha, J

Bench : Single Bench

Judgement

R.S. Jha, J.—Heard Shri Santosh Meshram, learned counsel for the petitioner on the question of admission and interim relief. The petitioner has filed this petition praying for a relief of regularization on the post of the Peon in the regular establishment.

2. It is submitted that the petitioner was appointed on compassionate ground on 23.10.2007 in contingency establishment and has been working as such since then but the respondents inspite of representation are not regularizing him in the regular establishment, while the case of another employee Shri Sheikh Mumtaz has been considered and he has been posted in the regular establishment by order date 10.12.2010 Annexure P/4. The learned counsel for the petitioner prays that similar relief be also granted to the petitioner.

3. Having heard the learned counsel for the petitioner it is observed that the order Annexure P/4 on which the petitioner is relying in fact relates to the year 2007 and not 2010.

4. It is further evident from the decision of the Supreme Court in the case of Secretary, State of Karnataka and Others Vs. Umadevi and Others, , that the aforesaid one time exercise for considering cases for regularization had to be undertaken by the authority and that the Supreme Court has further gone on to hold that the system of making appointment through regularization without

following the procedure prescribed by law, is unconstitutional and therefore impermissible. In the aforesaid case the Supreme Court has also held that appointment by regularization de hors the rules, is not permissible as it violates Articles 14 and 16 of the Constitution of India therefore, the relief prayed for by the petitioner cannot be granted and accordingly is hereby rejected.

5. In the subsequent decision of the Supreme Court in the case of Official Liquidator Vs. Dayanand and Others, the Supreme Court has further observed that after decision in the case of Uma Devi, relief on the basis of parity and discrimination is also not available to the persons claiming regularization. In view of the aforesaid, the petition filed by the petitioner being merit less is accordingly dismissed.