

(2000) 07 MP CK 0044

In the Madhya Pradesh High Court

Case No : Writ Petition No. 3807 of 2000

State of M.P. and others

APPELLANT

Vs

Smt. Champa Soni and another

RESPONDENT

Date of Decision : 14-07-2000

Acts Referred:

Citation : (2001) ILR (MP) 26 : (2001) 1 MPHT 208 : (2001) 2 MPLJ 333

Hon'ble Judges : Bhawani Singh, C.J.; A.K. Mishra, J

Bench : Division Bench

Advocate : Shri Narayan Nagrath, for the Appellant;

Final Decision : Dismissed

Judgement

Bhawani Singh, C.J.

This petition challenges the order of the State Administrative Tribunal dated March 25, 2000 passed in O.A. N. 693 of 1999.

The respondent No. 1 Smt. Champa Soni was trained by the Integrated Women and Child Development Project. Some time later, she was promoted to the post of Gram Sewika. She was sent for training and then promoted as Trained Bal Sewika in 1971. She got regular increments from time to time and was posted at Narayanpur, District Bastar from 19-11-1982. Her services were absorbed in Panchayat and Social Welfare Department, Government of Madhya Pradesh on 2-6-1983 (Annexure P-2). After absorption, the respondent No. 1 was promoted and posted as Trained Gram Sewika and was again promoted to the post of Supervisor in 1988.

Claim of the respondent No. 1 is that her services should be counted from 28-7-1962 and not from 2-6-1983. The State appears to have calculated the pension of the respondent No. 1 from 2-6-1983 on the ground that the respondent No. 1 was absorbed in the State service from this date vide Annexure P-2. Claim has been allowed by the Tribunal which does not satisfy the State,

hence this petition.

Learned counsel for the State submits that the respondent No. 1 is not entitled to count her previous service rendered in the Integrated Women and Child Development Project for the reason that in this Project, her service was not governed by any rules. Further, order dated 2-6-1983 provides that her service is to be counted from the date of joining the Government Department, In addition to these two submissions, learned counsel points out that the respondent No. 1 having accepted the conditions of joining the post can not turn round and claim the service rendered in the previous Department for purposes of pension. Our attention is drawn to item 6 Annexure P-4 to the petition which is similar to Annexure P-2 suggesting that for the purpose of pension, the service would be counted from the date of joining in the Department.

Having considered the matter carefully, we are unable to appreciate the contentions raised by the learned counsel for the State. The respondent No. 1 was employed in the Integrated Women and Child Development Project. It is an important Project established by the State, looked after and funded by it. After its abolition, employees are absorbed in the Department of Panchayat and Social Welfare of the State of Madhya Pradesh. The contention that service of the respondent No. 1 in the previous Department was not governed by any rules cannot be accepted. It can not be said that appointment of employees in this Department was illegal and without jurisdiction. If that be so, why the Department was allowed to continue and function by the State which, as said, supervised it and funded it from time to time. It is not understandable why the employees of this Department were asked to become employees in the Panchayat and Social Welfare Department from the date of joining. Further, the conditions on which they were made to join were never shown to them. No option was given to them whether they would join the Department on these conditions. There is no material before us to ascertain that the employees were apprised by these conditions and they accepted them. Even otherwise, they are arbitrary, unreasonable, inequitable and amount to bargaining by a strong employer against the weak employees.

We are in agreement with the order of the Tribunal that the respondent No. 1 is entitled to count her past service for pension with effect from 28-7-1962 till the date of retirement. There is no merit in this petition which is consequently dismissed.

Writ Petition dismissed.