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**(2013) 11 MP CK 0106**

**In the Madhya Pradesh High Court**

**Case No : Writ Petition No. 2978 of 2013**

Suresh Kumar Sharma and Others

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

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**Date of Decision : 01-11-2013**

**Acts Referred:**

**Citation : (2014) LabIC 256**

**Hon'ble Judges : Sujoy Paul, J**

**Bench : Single Bench**

**Advocate :** Arvind Dudawat, for the Appellant; Sangeeta Pachauri, Deputy Government Advocate for Respondents Nos. 1 and 2/State, Shri Ankur Maheshwari and Shri A.K. Nirankari, Advocates for Respondents Nos. 3, 4 and 5, for the Respondent

**Final Decision : Disposed Off**

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## **Judgement**

Sujoy Paul, J.—By invoking jurisdiction of this Court under Article 226 of the Constitution, the petitioners have prayed for a direction to quash the resolution dated 9.4.2013, whereby the President-in-Council (PIC) decided to remove them from the post of Driver/Fireman with further direction to the respondents not to interfere with the services of the petitioners. It is contended by Shri Dudawat, learned counsel for the petitioners that the petitioners were duly appointed by the respondents. They satisfactorily performed their duties. The new President was elected, who intends to engage the persons of his choice and, therefore, they want to terminate the petitioners' services. In support of his contentions, he relied on Mission Director, RCH/NRHM Vs. Ranjit Jain and Another, . He submits that the nature of work which is being performed by the petitioners is continuous in nature and, therefore, the petitioners have a right to continue.

2. Prayer is opposed by Shri Ankur Maheshwari, Shri A.K. Nirankari and Smt. Sangeeta Pachauri, learned counsel for the other side.

3. I have heard learned counsel for the parties and perused the record.

4. This is not in dispute between the parties that the petitioners were appointed for a fixed term. Earlier petitioners preferred an application for interim relief. The said application was considered by this Court on 15.5.2013. The statement of Shri A.K. Nirankari was taken into account whereby it was contended that the petitioners services will not be terminated before completion of the period for which they were appointed. In addition, it was contended that the petitioners' case will be considered in accordance with law for further recruitment and they will be given preference also.

5. The main apprehension of the petitioners about their termination before completion of tenure now does not survive. The respondents, in view of their stand recorded on 15.5.2013, have permitted the petitioners to complete the tenure. The appointments were contractual and for a fixed term. The petitioners have not shown any legal, vested, statutory or constitutional right to continue beyond the period for which they were appointed. In view of the stand of the respondents that the petitioners will be considered in new recruitment (if any) and will be given preference, I find no reason to interfere in this petition. The judgment cited by Shri Dudawat has no application in the facts and circumstances of this case. In view of aforesaid finding, petition is disposed of. No costs.