

(2017) 02 RAJ CK 0064
In the Rajasthan High Court
Case No : 1194 of 2014

Vikram Sisodia s/o Shri Prem Prakash	APPELLANT
Vs	
State of Rajasthan	RESPONDENT

Date of Decision : 15-02-2017

Acts Referred:

Citation : (2017) 02 RAJ CK 0064

Hon'ble Judges : Sanjeev Prakash Sharma

Bench : SINGLE BENCH

Advocate : Sajjan Singh Rathore, Shweta Bora

Final Decision : Allowed

Judgement

1. The petitioners, who were working as Ward-boy/Sweeper, it is contention of learned counsel for the petitioners that they have been working on contract basis and were performing duties of the said post for the entire day, however, by order dated 31 st January 2014 their services have been dispensed with on the ground that cleaning arrangement has been given on contract to some other persons by opening tender on 31.01.2014. Learned counsel for the petitioner further submits that other persons, namely Rajesh Java and Vishesh Java, were allowed to continue while the petitioners have been denied said benefit. It is submitted that they could not have been replaced by another set of contractual employees as held in the case of Mooli Devi Choudhary v. State of Rajasthan - 2010 (4) WLC 334.

2. Learned counsel for the respondents submits that the contract of the petitioners had ended and thereafter contract had been awarded to someone else and so far as petitioners are concerned, both were working as part-time Sweepers, they had been appointed on different dates and in view thereof, they could not have filed joint writ petition. It is further submitted that no right is created in their favour as they were part-time employees.

3. A look at the impugned order dated 31 st January 2014 shows that the petitioners have been treated as ward-boy/sweeper by the respondents themselves. Not only this, there is no mention they were being being part-time employees. No reasons have come forward as to why only two persons' services were dispensed with while others were allowed to continue. No reasons have come forward as to why merely because some other cleaning arrangement has been done on contract, services of the petitioners were required to be dispensed with.

4. Apart from above, a look at the advertisement inviting tender shows that the same was invited for places where there is no other person working and it was in addition to the employees who were already existing there. Thus, it is seen that there was no occasion to dispense with services of the petitioner.

5. The order dated 31st January 2014 can not be said to have been passed for bona fide reasons. The same is, therefore, quashed and set aside. The petitioners would be entitled to be reinstated and will also be entitled to all consequential benefits. If there is any process of regularisation of the sweepers underway, the petitioners shall also be considered for the said purpose along with similarly situated sweepers.

The writ petition is allowed accordingly.