

Giriraj Singh and ors Vs. State and ors

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Court : Rajasthan Jodhpur

Decided On : Aug-29-2013

Appellant : Giriraj Singh and ors

Respondent : State and ors

Judgement :

1 CWP No.5663/2012 with one connected matter 128 & 129 S.B. CIVIL WRIT PETITION NO.5663/2012 Giriraj Singh & Ors. Vs. State of Rajasthan & Ors. AND S.B. CIVIL WRIT PETITION NO.4463/2012 Arun Kumar Chouhan & Ors. Vs. State of Rajasthan & Ors. DATE OF ORDER:

29. h August 2013 HON'BLE MR. JUSTICE DINESH MAHESHWARI Mr. Ravindra Paliwal,] Ms. Nupur Bhati], for the petitioner Mr. G.R. Punia, Sr. Advocate & AAG with Mr. K.K. Bissa, for the respondents. <><><> The learned counsel for the parties submit ad idem that the other writ petitions filed by similarly placed incumbents (CWP No.5059/2012) has been considered and disposed of by co-ordinate Bench; and while referring to the order so passed in CWP No.5059/2012 on 29.04.2013, the learned counsel submit that the subject matter of this writ petition remains essentially the same. In the said order dated 29.04.2013, the co-ordinate Bench, after taking note of the status of the similarly placed persons, has opined and ordered as under: - After perusing the pleadings and hearing learned counsel for the parties, It merges from the facts that initially the petitioners were provided appointment in pursuance of advertisement Annexure-1 dated 27.1.2009. The said appointment was purely on contract basis for one year, which is evident

from condition No.4 of the advertisement, therefore, now, the petitioners are apprehending that their services will be terminated for the simple reason that the respondents will again provide appointment on contract basis by way of issuing 2 CWP No.5663/2012 with one connected matter advertisement. No advertisement is placed on record to prove the fact that respondents are going to make appointment afresh on the post of Accountant. However, it is submitted that by way of changing nomenclature of the project, the respondents are going to engage the employees in the said project, therefore, if the petitioners' services are satisfactory then their case may also be considered in the project in existence. In the opinion of this Court, if any appointment is made in a particular project then the employees of the said project are required to be governed as per the terms and conditions of the project because regular appointment is to be made as per relevant Rules framed under Article 309 of the Constitution of India. But here in this case, the petitioners were engaged in a particular project initially for one year and now as per the petitioners, the said project is in existence, may be in different nomenclature. In the opinion of this Court, it is for the respondents to consider the case of the petitioners for their continuance in service after taking into consideration the satisfactory service, so also, the eligibility of the candidates as per the existing terms and conditions of the project, therefore, this writ petition is disposed of with liberty to the petitioner to file detailed representation before the respondents for continuance in service on their respective posts of the project and it is expected from the State Government that the case of the petitioners will be considered within a period of two months for the purpose of continuance of service in the Project till the project remain in existence but at the same time, the performance of the petitioners shall be considered objectively. When admittedly the position aforesaid applies to the present cases too, these writ petitions are disposed of in the light of the decision aforesaid and in the same terms. (DINESH MAHESHWARI),J.

cpgoyal/- 3 CWP No.5663/2012 with one connected matter 129 S.B. CIVIL WRIT PETITION NO.4463/2012 Arun Kumar Chouhan & Ors. Vs. State of Rajasthan & Ors. DATE OF ORDER:

29. h August 2013 HON'BLE MR. JUSTICE DINESH MAHESHWARI Mr. Ravindra Paliwal,] Ms. Nupur Bhati], for the petitioner Mr. G.R. Punia, Sr. Advocate & AAG with Mr. K.K. Bissa, for the respondents. <><><> This writ petition is disposed of [Vide common order made in S.B. Civil Writ Petition No. 5663/2012 :Giriraj Singh & Ors. Vs. State of Rajasthan & Ors.] (DINESH MAHESHWARI),J.

cpgoyal/-

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