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Ravendra Kumar Paroha Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Dec-21-2012

Appellant : Ravendra Kumar Paroha

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. P.K.Mishra

Judgement :

W.P.No.21169/2012 21/12/2012 Shri P.K.Mishra, learned counsel for the petitioners Shri Ved Prakash Tiwari, learned Panel Lawyer for respondents State Government.

Petitioners have challenged the orders dated 15.9.2009 by which the State Govt.

has decided to close down the Library and Commuity Centres running in various villages.

Questions involved in these writ petitions and tenability of similar action has already been considered and decided by this Court by a common order passed in W.P.No.590/2011(s).W.P.14312/2011(s).W.P.12477/2009 (s) W.P.17/2010 (s) and W.P.No.17445/2010 (s) on 15.9.2011.

After considering similar prayer, the following directions were issued by this Court :- "Accordingly, taking note of the orders passed by the Rajasthan High Court in the writ petitions and writ appeals as indicated hereinabove, all these writ petitions

are allowed and disposed of with the following directions:- Respondents are directed to take steps for continuing the petitioners and for ensuring their continuation under the new scheme after evaluating the qualification and other requirement and proceed to consider the cases of the petitioners for their engagement under the new scheme in accordance with the directions issued by the Division Bench of the Rajasthan High Court on 21 st November, 2009 as indicated hereinabove.

However, as the scheme in which the petitioners were engaged is no more functioning and discontinuation of the petitioners are found to be proper and even though the impugned orders terminating the services of the petitioners are quashed, no consequential orders with regard to reengagement of the petitioners under the said scheme can be ordered.

However, till the exercise of considering the case of the petitioners for engagement in the new scheme is concluded and in case the Libraries and Community Centres are still functioning under the administrative control of respondent No.2, the Commissioner Rajya Shiksha Mission the said authority may consider engaging the petitioners for carrying out the works of Libraries and centres till the final decision is taken in the matter and engagement of the petitioners in the new scheme.

Till the final decision with regard to their continuation in the new scheme is not taken in case the Library and the Centres are still working, the services of the petitioners can be utilized in this establishment.

However, it is made clear that the direction issued in this writ petition shall not be construed to mean that the petitioners are also entitled to any arreaRs.honorarium or salary for the intervening period that is from the period of their termination till the fresh engagement.

In case, petitioners are engaged under the new scheme, they are entitled to continuation in service without any arrears and back wages and in case any of the petitioners are found unsuitable for engagement in the new scheme, respondents are free to terminate their engagement/service by communicating the reasons to

them.

With the aforesaid, all these writ petitions are allowed and disposed of.

No order as to cost.

" Keeping in view the aforesaid, respondents are directed to consider the case of the petitioners in accordance to the directions already issued as detailed herein above.

(Rajendra Menon) Judge nd

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