

Roopchand Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Jul-31-2013

Appellant : Roopchand

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Bhoopesh Tiwari

Judgement :

Writ Petition No.12102/2013 (Roopchand versus State of M.P.& otheRs.31-07-2013 Shri Bhoopesh Tiwari, learned counsel for the petitioner.

Shri Piyush Jain, learned P.L.for the State/respondents.

Heard the learned appearing for the petitioner on the question of admission.

The learned counsel for the petitioner, after arguing at length, submits that the petition be disposed of with a direction to the respondent/authorities to take up scrutiny of the cases in accordance with the directions issued by this Court in Writ Appeal No.1202/2010 decided on 15-12-2010 and also give the petitioner an opportunity of hearing before the scrutiny committee to establish that his appointment may be irregular at best but not illegal and thereafter take a decision in the matter expeditiously in accordance with law within a fixed period of time.

The learned counsel appearing for the State submits that the authorities have in fact passed the impugned order dated 31-5-2013/0-6-2013 with a view to ensure

compliance of the direction issued by this Court in W.A.No.1202/2010 decided by this court on 15-12-2010 and to undertake the exercise of conducting a scrutiny into the appointment and engagement of the petitioner and others and to ascertain as to whether their appointment is irregular or illegal in accordance with the observations made by the Supreme Court in a decision rendered in the case of Secretary, State of Karnataka and Others versus Umadevi (3) and Others.(2006) 4 SCC 1 and the circulars issued by the State in compliance thereof.

The learned Government Advocate further submits that while doing so they would also afford an opportunity of hearing to the employees before taking a final decision as has been directed by the Division Bench of this Court in the aforesaid writ appeal.

In view of the aforesaid statement of the learned counsel appearing for the parties, the prayer made by the learned counsel for the petitioner is allowed and the petition filed by the petitioner is disposed of with a direction to the effect that the respondent/authorities shall immediately initiate the exercise of scrutinizing the cases of all concerned employees in accordance with the directions issued by this Court in Writ Appeal No.1202/2010 decided on 15-12-2010 keeping in mind the law laid down by the Supreme Court in the case of Umadevi (supra) to determine as to whether their engagement was irregular or illegal and while doing so the authorities shall also afford an opportunity of hearing to the employees concerned.

It is further directed that the respondent/authorities shall initiate the aforesaid proceedings within two weeks from the date, the petitioner furnishes a copy of the order passed today alongwith a copy of the petition to the concerned authority and shall complete the same in accordance with law as expeditiously as possible preferably within a period of three months thereafter.

With the aforesaid directions the petition filed by the petitioner stands disposed of.

C.C.as per rules.

(R.S.Jha) Judge mct Dear Monsi/Parihar, (1) There are five connected W.Ps.

- W.P.No.:- (1) 12096/2013 (Main Petition) - (Male/Single Petr.) (2) 12100/2013 - (Male/Single petitioner) (3) 12101/2013 - (Female/Single Petitioner) (4) 12102/2013 - (Male/Single petitioner) (5) 12103/2013 - (Male/Single petitioner) and the order has been typed in W.P.No.12096/2013.

Same order has to be typed in other four petitions after due corrections/approval.

----- (2) Cases in which corrections, if any, are made may be found on the front of the desktop.

Thanking you.

-(MCT)/PS

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