

Ramesh Chandra Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Sep-23-2013

Appellant : Ramesh Chandra

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. K.B.Bhatnagar

Judgement :

WRIT PETITION No.19144/2012 1 23.09.2013 Shri K.B.Bhatnagar, learned Counsel for the petitioners.Shri Vivek Agrawal, learned Deputy Advocate General, for the respondents-State.

It is contended by learned Counsel for the petitioners that their claims were not considered for promotion, though they were enlisted in the fit list only because of coming into force of a new GOP.

It is contended that the issue in relation to the claim made in the present petition by the petitioners is squarely covered by a decision rendered by this Court in the case of Virendra Singh Rajput versus State of M.P.& otheRs.W.P.No.17359/2012 and in the case of Laxminarayan Yadav versus State of M.P.& otheRs.W.P.No.9764/2012, decided on 12th July, 2013.

It is contended that in view of the fact that since the controverRs.is already resolved by this Court, similar benefit would be available to the petitioners.Contesting the claim made by the petitioners.returns have been filed

and it is contended that the GOP was amended and in terms of the new GOP, cases are to be considered.

That being so, the petitioners would not be entitled to the relief claimed and the petition is liable to be dismissed.

This Court while examining all such stand of the respondents in some what circumstances in the case of Virendra Singh Rajput and Laxminarayan Yadav (supra) has categorically held in the case of Virendra Singh Rajput (supra) in paragraph 6 as follows : WRIT PETITION No.19144/2012 2 6.

In view of these findings, the claim made by the petitioners cannot be denied.

Consequently, the petition is disposed of with a direction to the respondents to take action to fill up the vacancy on the basis of the fit list in which the names of the petitioners were enlisted, issued under the earlier GOP as the same is to remain in force despite the GOP No.138/12.

Needful be done within a period of two months from the date of receipt of certified copy of the order passed today and benefit of enlistment of the petitioners in the fit list be granted to them within the aforesaid period.

In any case, if it is found that the petitioners are not to be promoted because of any reason mentioned in the earlier GOP, a reasoned order be passed and communicated to the petitioners within the aforesaid period. Since the controverRs.involved in the present case is squarely covered by the directions issued by this Court in the case of Laxminarayan Yadav (supra) and Virendra Singh Rajput (supra).this writ petition is also disposed of in the like manner with the similar directions.

Let the aforesaid exercise be completed and the outcome be intimated to the petitioners within a period of two months from the date of receipt of certified copy of the order passed today.

With the aforesaid directions, the writ petition is finally disposed of.

However, there shall be no order as to costs.

(K.K.Trivedi) Judge Skc

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