

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

MISC.PETITION NO. 934 OF 1993

1. Devendra Singh S/o Shri Prem Singh, ... PETITIONERS.  
aged about 27 years,  
resident of C-13, Pension Bada,  
Raipur (MP).
2. Himmatpal Gupta S/o Shri G.S. Gupta,  
Junior Engineer,  
M.P.A.K.V.N., 18, Choubey Colony,  
Raipur.
3. Gopal Rao Patnayak ~~2/2~~  
S/o Shri R.K. Patnaik,  
Junior Engineer,  
M.P.A.K.V.N.,  
18, Choubey Colony,  
Raipur (MP).
4. Sandeep Pandey S/o Shri  
Junior Engineer,  
M.P.A.K.V.N., Sirgitti,  
Bilaspur (MP).
5. Sharda Upadhyay S/o Shri R.L. Upadhyay,  
Typist,  
M.P.A.K.V.N., 18, Choubey Colony,  
Raipur (MP).
6. Santosh ~~Kum~~ Dubey S/o Shri C.L. Dubey,  
Typist,  
M.P.A.K.V.N., 18, Choubey Colony,  
Raipur (MP).
7. Ishwar Pd. Sharma S/o Shri S.P. Sharma,  
Typist,  
M.P.A.K.V.N., 18, Choubey Colony,  
Raipur (MP).
8. Prem Singh Thakur  
Clerk,  
M.P.A.K.V.N., 18, Choubey Colony,  
Raipur (MP).
9. Suresh Kumar Yadav S/o Shri J.L. Yadav,  
Surveyor,  
M.P.A.K.V.N., 18 Choubey Colony,  
Raipur (MP).
10. Ramesh Shukla S/o S.K. Shukla,  
Meter Reader,  
M.P.A.K.V.N., Sirgitti,  
Bilaspur (MP).
11. Jagdish Prasad Yadav,  
Helper,  
M.P.A.K.V.N., Sirgitti,  
Bilaspur (MP).
12. Mahendra Singh Thakur S/o Shri CS. Thakur.  
Junior Engineer  
M.P.A.K.V.N. 18 Choubey Colony Raipur (M.P.)

- Versus -

- S 1. M.P. Audyogik Kendra Vikas Nigam, ... RESPONDENTS  
through its Managing Director,  
99, Samata Colony,  
Raipur (MP).
- T 2. Dr. P.L. Sharma,  
Proprietor Sharma Security Services,  
Head Office, 264, Geetanjali Nagar,  
Sector-II, Shanker Nagar,  
Raipur (MP).

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION  
OF INDIA FOR ISSUING A WRIT IN THE NATURE OF  
CERTIORARI, MANDAMUS ETC.ETC. AND ALSO FOR ISSUING  
NECESSARY DIRECTIONS

(115)

आदेश पत्रक

W.P. No. 934/1993  
मामला क्रमांक 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><b><u>15/05/2004:-</u></b></p> <p>Miss Sharmila Singhal, counsel for the petitioners.</p> <p>Shri Ranbir Singh, counsel for respondent No.1.</p> <p>Heard.</p> <p>The petitioners have filed this petition under Article 226/227 of the Constitution of India seeking direction against respondent No.1 to pay the regular pay scale and other benefits which are fixed and prescribed for a regular employee of the Department and for arrears.</p> <p>Vide order dated 27/02/1993 the Court passed an interim order which reads thus:</p> <p>"In the meanwhile, if the petitioners are working on daily basis, their services be continued until further orders."</p> <p>On 01/10/1997 the petitioners had moved an application for issuance of a direction to respondent No.1 to consider the case of the petitioners for regularization in services. The Court vide order dated 01/10/1997 directed the respondents to consider the case of the petitioners for regularization of their services. Thereafter respondent No.1 vide order dated 10/04/2003 regularized the services of the petitioners w.e.f. 10/04/2003. It is submitted that inspite of the order dated</p>	

[पीठे देखिये]

## आदेश पत्रक

मामला क्रमांक ..... W.P. No. 934/93  
सन् 200

विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>10/04/2003 the petitioners are not getting the regular pay scale of a regular employee as prescribed in the order dated 10.04.2003. Thereafter, the petitioners had made a representation on 24.06.2003 before the Additional Managing Director. Upon the representation made by the petitioners the Additional Managing Director has marked that advance pay may be given to the petitioners subject to approval of the competent Authority or on security rates pending for finalization of their case. It is further submitted that after the passing the said order of regularization, on 27.03.2004 the General Manager issued a notice calling upon the petitioners to pay the amount, which has been deposited in the personal account of the petitioners, otherwise the same would be deducted from their salaries.</p> <p>As the services of the petitioners namely, petitioner No.1 Devendra Singh; petitioner No.2 Himmatpal Gupta; petitioner No.3 Gopal Rao Patnaik; petitioner No.7 Ishwar Prasad Sharma; petitioner No.9 Suresh Kumar Yadav; petitioner No.11 Jagdish Prasad Yadav; and petitioner No.12 Mahendra Singh Thakur have been regularized w.e.f. 10.04.2003, the relief of regularization has been granted. During the pendency of the petition, two of the petitioners namely, petitioner No.5 Sharda Upadhyay and petitioner No.6 Santosh Dubey died and petitioner No.4 Sandeep</p>	

[पीछे देखिये]

## आदेश पत्रक

मामला क्रमांक W.P.No. 934/93  
सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>Pandey; petitioner No.8 Prem Singh Thakur; and petitioner No.10 Ramesh Shukla had left the job.</p> <p>Having considered the facts and circumstances of the case and material on record, in the opinion of this Court, the ends of justice would be served if a direction is given to respondent No.1 to forthwith grant regular pay scale to the petitioners and to pay the arrears thereof, as early as possible preferably within a period of three months from today. So far as petitioners 5 &amp; 6, who died during the pendency of the petition, are concerned their heirs may make a detailed representation to the competent authority for payment of dues, if any, and on such representation being made the competent authority shall decide the same within a period of six months from the date of making the representation. So far as petitioners 4, 8 &amp; 10, who had left the job, are concerned, they may also make a detailed representation to the competent authority for payment of dues, if any, and on such representation being made the competent authority shall decide the same within a period of six months from the date of making the representation. Ordered accordingly.</p> <p>With the aforesaid directions, the writ petition stands disposed of at this stage with liberty to file appeal in case of grievance <del>in the</del> <del>subsequent</del> <del>stages</del></p> <p>Certified copy as per rules.</p>	

Sd/-  
Acting Chief Justice21/1/05  
P. 17/05