

IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JODHPUR.

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S.B. CIVIL WRIT PETITION NO.3181/2005
Nathulal Paliwal

Versus

The State of Rajasthan and ors.

Date of Order :27.5.2005

PRESENT

HON'BLE MR. JUSTICE R.P. VYAS

Mr.K.S. Chauhan, for the petitioner/s

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Heard at admission stage.

The instant petition has been filed by the petitioner with the prayer that the respondent may be directed to accord regular appointment to the petitioner on the post of LDC in pursuance to Notification dated 12.10.1992 (Annex.-6) from the date of his initial appointment i.e. 5.4.1988 or in alternative w.e.f. 12.10.1992 with all consequential benefits .

The only grievance raised by the petitioner in

this writ petition is that the petitioner was appointed on the post of LDC in the year 1988 after due process of selection on daily wage basis. As per the case set-up by the petitioner in the present petition, he is eligible for regularisation on the post of LDC but he has not been regularised so far, despite the fact that similarly situated have been regularised. The State Govt. issued a Notification dated 12.10.1992 (Annex.-6) adding Rule 25(10) of the Rajasthan Sub-Ordinate Offices Minister Staff Rules, 1957 (for short "the Rules of 1957") thereby making provisions for screening of LDC working on daily wages basis, who were appointed from the period 01.01.1985 to 31.3.1990. The respondent No.2 issued an order dated 24.7.1996 (Annex.-7) directing the conduct of screening test of the LDCs who were appointed between the period from 01.01.1985 till 31.3.1990. The petitioner moved an application on 2.9.1996 for permitting him to appear in the examination conducted in pursuance to the Notification dated 12.10.1992 and order dated 24.7.1996.

The further contention of the petitioner is that

he has also passed the examination conducted by the RPSC.

The further case of the petitioner is that the respondent department has conducted screening test in Jaipur and Jodhpur region but screening test in Udaipur region has not been conducted so far. The petitioner has submitted number of representations but no heed was paid by the respondents.

I have heard the learned counsel for the petitioner at length and scrutinised and scanned the material available on record.

In the instant case, the petitioner has made a number of representations, but his grievance has not been redressed so far, nor any speaking order has been passed, regarding recalling the order of forfeiture of past services. During the course of arguments , it has been requested by the learned counsel for the petitioner that looking to the facts and circumstances of the instant case, the concerned Authority be directed to consider the representation of the petitioner. Since the request of the petitioner

is only for consideration of the representation, therefore, the instant petition is disposed of, at this stage, by giving a direction to the respondent authority to consider the representation of the petitioner in accordance with law only.

Thus, this writ petition filed by the petitioner is disposed of in the manner that the petitioner is directed to file a fresh representation within a period of 15 days from today and the respondent authority shall consider and decide the same either way in accordance with law within a period of two months from the date of receipt of representation. If it is found that the petitioner is entitled for any relief in accordance with law, then the same may be given to the petitioner and if the petitioner is not found entitled to the relief sought for, then a reasoned and speaking order, strictly in accordance with law, may be passed.

(R.P.VYAS)J.

rm/-