

D. B. CIVIL WRIT PETITION (PIL) NO. 7751/2006

Prateek Palival
Vs.
State of Rajasthan & Others.

DATE OF ORDER :: 28-02-2007

HON'BLE THE CHIEF JUSTICE SHRI S. N. JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Vimal Choudhary, for the petitioner.

This writ petition has been filed as a public interest litigation for quashing annexures 16 and 17, and for direction not to employ persons in excess of the staffing pattern in the Jaipur Municipal Corporation. Annexure-16 contains decision of the Jaipur Municipal Corporation dated 1.2.2006 to appoint 250 Safai Karamchari for two years on fixed salary of Rs. 2,000/- on probation. It appears from the document that 552 posts of Safai Karamchari were vacant and yielding to the demand of the employees who had gone on strike for 27 days, the Corporation decided to fill 250 posts which means over 300 posts are still vacant. Annexure-16 thus does not suggest employment in excess of the staffing pattern. By Annexure-17 the State Government issued necessary financial sanction for such appointment.

The thrust of the argument of the counsel was that appointments have been made in violation of the staffing pattern. Counsel referred to some news item. Even if that is accepted to be correct, we do not think,

it would be appropriate for this Court to issue direction to remove the persons already employed in excess of staffing pattern. We may however observe that in future, the appointments should be made as per the staffing pattern.

With this observation, the writ petition is disposed of.

[MOHAMMAD RAFIQ], J.

[S. N. JHA], CJ.

Praveen