

W.P.No.7542/2011

29.06.2012

Ms Pushpa Joshi, learned counsel for the petitioner.

Ms Anjali Jhamkhedkar, learned Government Advocate for the respondents State.

The petitioner before this court has filed this present petition for regularization in service on the post of Driver.

The contention of the petitioner is that he was appointed as a daily-rated employee on the post of Pump Attendant on 05-06-1989 and he is possessing a driving licence to drive heavy vehicles since 08-11-1992.

Learned counsel for the petitioner has further stated that an Original Application was preferred before Abolished M.P. State Administrative Tribunal, Indore claiming regularization and the Tribunal while passing an order on 01-07-1999 in OA No. 304/1999 has directed the respondent to regularize the petitioner on any suitable post. Petitioner's grievance is that the respondent has regularized the petitioner on the post of Pump Attendant, though he is entitled for regularization on the post of Driver.

Reply has been filed by the respondents and the stand of the Respondent State Government is that the petitioner was appointed as a daily rated employee on the post of Pump Attendant and they have regularized the petitioner, in compliance of the order passed by the Abolished M.P. State Administrative Tribunal dated 01-07-1999 on the post of Pump Attendant in the year 2002 and the petition deserves to be dismissed.

Heard learned counsel for the parties and perused the record . With the consent of the parties, the petition is disposed of at the admission stage.

In the present case, this is the second visit of the petitioner and the petitioner is claiming regularization on the post of Driver. In the earlier round of litigation, the Abolished M.P. State Administrative Tribunal in paragraph-5 of the order dated 01-07-1999 held as under :-

“5. There is no appointment letter on the record. The applicant was first kept on daily wages as Pump Attendant from 05-06-1980 as is evident from Annexure-A-1. His claim that as a Pump Attendant he is equivalent to Helper, has also not been supported by any official document. His claim, therefore, for regularization like other Helpers on the post of Driver is not entertainable. However, since he was employed on daily wages since 1980, he is entitled to consideration for regularization on post of whatever

designation he is entitled to. The Government through various circulars have also enunciated its policy and commitment that daily wagers employed before 31st of December, 1988 would be regularized and if required post will created."

The Division Bench of the Tribunal has rejected the claim of the petitioner for regularization on the post of Driver in the earlier round of litigation and, therefore, this court does not find any reason to entertain the present Writ petition, specially in light of the fact that respondents have regularized the petitioner way back in the year 2002 on the post of Pump Attendant.

With the aforesaid, writ petition stands dismissed.

No order as to costs. c.c. as per rules.

(S.C. SHARMA)
JUDGE