

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH, JAIPUR

ORDER

- 1.SB Civil Writ Petition No.5372/2010
Amar Singh Meena & anr versus Union of India & ors
2. SB Civil Writ Petition No. 5398/2010
Dr Ram Singh Chauhan & ors versus Union of India & ors
3. SB Civil Writ Petition No. 5254/2010
Rakesh Kumar Bairwa & ors versus Union of India & ors
4. SB Civil Writ Petition No. 5295/2010
Ganpat Lal Sharma & ors versus Union of India & ors
5. SB Civil Writ Petition No. 5248/2010
Rakesh Suma & anr versus Union of India & ors

29.2.2012

HON'BLE MR. JUSTICE MN BHANDARI

Mr Vijay Pathak – for petitioners

Mr Pradeep Kalwania, Dy GC – for respondents

BY THE COURT:

The matters (WP No.5372/2010 and 5398/2010) have come up on applications for vacation of interim orders, however, with the consent of the parties, all the writ petitions, involving same set of facts and praying for similar relief, are heard finally and decided by this common order.

These are the cases where petitioners were engaged as Consultant and Technical Assistant on consolidated salary. Their engagement was made under the National Food Security Mission

introduced by the Ministry of Agriculture, Government of India. The grievance of the petitioners is regarding their replacement by another set of contractual employees either directly or through placement agency though the mission is still in operation. It is stated that contractual employees cannot be replaced by another set of contractual employees other than by regular mode of selection. However, respondents, ignoring the aforesaid, intend to replace the petitioners thus interim protection was granted by this court.

Learned counsel for respondents that the mission was introduced for limited period thus petitioners cannot seek a right to continue indefinitely. There is no intention to replace them by another set of contractual employees. In the aforesaid background, not only stay orders may be vacated but writ petitions may also be dismissed.

I have considered rival submissions of learned counsel for parties and perused record of the case.

The limited grievance of the petitioners is regarding their replacement by another set of contractual employees. As per the respondents, they have no intention to replace the petitioners by another set of contractual employees either directly or through placement agency. In the aforesaid background, all the writ

petitions are disposed of with following directions -

1. Respondents will not replace the petitioners by another set of contractual employees either directly or through placement agency, however, petitioners may be replaced by regularly selected candidates.
2. In case mission comes to an end or is not continued in any other name then respondents would be at liberty to discontinue the employees. Till the mission is in operation, respondents are expected to continue petitioners if they are having sufficient work for them. In case volume of work is reduced then discontinuation of the employees would be after following the principle of “last come – first go”.

This disposes of the stay applications and applications under Article 226(3) of the Constitution of India for vacation of interim orders also.

(MN BHANDARI), J.

bnsharma

All corrections made in the judgment/ order have been incorporated in the judgment/ order being emailed.

(BN Sharma)
PS-cum-JW