

The High Court Of Madhya Pradesh**WP-6814-2020***(CHANDRESH VISHWAKARMA Vs THE STATE OF MADHYA PRADESH AND OTHERS)***Jabalpur, Dated : 20-03-2020**

Shri Manoj Kumar Chansoriya, learned counsel for the petitioner.

Shri Manish Verma, learned Government Advocate for the respondents/State.

Heard on the question of admission.

The learned counsel by the instant petition submits that the petitioner should be considered for regularizing his services on the post of Assistant Grade-III for the reason that he has been serving in election duties for election work for so many years and in view of the circulars issued by the State Government from time to time, pursuant to which, the cases of various employees have been considered in number of districts by the Collector concerned thereby regularized the services of the employees. Therefore, the petitioner seeks a direction to the authority to consider his claim for regularization in the light of the aforesaid circular. He also submits that the petitioner has moved a representation Annexure P/4, but nothing has been done by the authority. He submits that the same may be directed to be considered by the authority. He relies upon the orders passed by this Court in various writ petitions.

Shri Manish Verma, although appearing for the respondents/State opposes the contention raised by the learned counsel for the petitioner and submits that the petitioner is only entitled to get preferential treatment in view of the circulars issued by the State Government from time to time. He further submits that there is no circular directing the authority to regularize the services of these employees directly on the post of Assistant Grade-III. He relies upon the decision of the Division Bench of this Court passed in Writ Appeal No.862/2010 and other connected writ appeals whereby the Division Bench has directed the authority to consider the claim of the petitioner therein for regularization and appointment on the post of Lower Division Clerk and

preference shall be given to them subject to availability of vacancy.

Thus, this petition is disposed of directing the Collector Chhindwara, to consider the representation of the petitioner in the light of the circular issued by the State Government from time to time in respect of the employees already engaged or have worked in election duties. It is made clear that the authority while considering the claim of the petitioner shall also take into account the circulars issued by the State Government from time to time and after considering the provisions made therein, pass an appropriate order within a period of 90 days from the date of submitting the certified copy of this order.

It is made clear that this Court has not expressed any opinion on the merits of the case. Accordingly, the petition filed by the petitioner stands disposed of with the aforesaid directions.

Certified copy as per rules

(NANDITA DUBEY)
JUDGE

