

In the Madhya Pradesh Administrative Tribunal, Jabalpur

-Versus-

DETAILS OF APPLICATION

10-01-314/201 (U/s. 19 of the Administrative Tribunals Act, 1985)

1)	name	: Rameshwar Rajak.
11)	Father's name	: Detha Ram.
111)	date of birth	: 25.8.1954
1V)	designation	: Khalasi
V)	office address	: Block Office Navagarh, B.D.O.

1- State of M.P.
through : Collector,
Durg (M.P.)

2- Block Development
Officer, Navagarh,
Distt.Durg (M.P.) .

2-Block Development
Officer, Nagargh,
Distt. Durg (M.P.).

2. Particulars of the non-applicants.

1- State of Madhya Pradesh,

through : Secretary,

• P. M. •

General Administration Dept.

Vallabh-Bhawan,

2.



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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 329 of 2005

- Rameshwar Rajak (dead) through LR's Smt. Surja Bai and others

---- Petitioner

Versus

- State of M. P. (Now State of C.G.) and another

---- Respondent

and

WPS No.1508 of 2005

- Rameshwar Rajak (dead) through LR's Smt. Surja Bai and others

---- Petitioner

Versus

- State of M. P. (Now State of C.G.) and another

---- Respondent

For Petitioners	Shri V. G. Tamaskar, Advocate
For Respondent/State	Shri Rajendra Tripathi, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

17/02/2016

1. WPS No.329/2005 was originally filed as O.A. No.3520/1990 before the abolished Madhya Pradesh State Administrative Tribunal (for short 'the Tribunal'), whereas WPS No.1508/2005 was originally filed as O.A. No.379/1997 before the Tribunal. In

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both the petitions, the original petitioner has claimed relief of regularization or appointment as Khalasi in the office of the Block Development Officer, Navagarh.

2. During pendency of these petitions, the original petitioner died, which occasioned filing of the application for substitution of the legal heirs on 26.09.2007, which was allowed and now these petitions are prosecuted by the legal heirs of the original petitioner.

3. In view of death of the original petitioner, who was working on daily wages, the claim for regularization does not survive, however, the writ petitions were heard for the reason that learned counsel for the petitioner has prayed for consequential relief of wages from 20.11.1990 till the death of the original petitioner on the ground that despite there being interim order on 20.11.1990 staying termination of the petitioner, he was not allowed to work.

4. It appears the original petitioner did not bring it to the notice of the Court during all these years that he is not allowed to work. Thus, it is not known as to for what exact reason the petitioner could not work. It is also not known whether the interim order was ever produced before the concerned authority. There is no such document available in the record to substantiate that the interim order was brought to the notice of the authorities nor any contempt petition was ever moved by the petitioner for the last two and half decades when the original application was filed in the year 1990 remained pending.

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5. Be that as it may, a daily wager is not entitled to wages unless he performs the work because a daily wager is not a regular member of the service. In this view of the matter, neither the deceased petitioner nor his legal heirs are entitled for the wages of the relevant period when the interim order was operating.
6. As a result, both the petitions are liable to be and are hereby dismissed.
7. No order as to costs.

Sd/-
Prashant Kumar Mishra
Judge

Gowri