THE HIGH COURT OF MADHYA PRADESH

(Division Bench)

Hearing through video conferencing

Writ Petition No.19645/2020

Parag Karkare
versus
The State of Madhya Pradesh and others

Shri R. N. Singh, learned Senior counsel along with M/s Aishwarya Singh, learned counsel for the petitioner.

Shri P. K. Kaurav, learned Advocate General along with Shri A. Khandekar, learned counsel for the respondent-State.

CORAM :

Hon'ble Mr. Justice Sanjay Yadav, Acting Chief Justice

Hon'ble Mr. Justice Vijay Kumar Shukla, Judge

O R D E R

(Jabalpur, dated : 21.12.2020)

Per : Sanjay Yadav, Acting Chief Justice:

The petitioner an employee of Madhya Pradesh State Cooperative Oil Seed Growers Federation Limited (OIL Fed.) since under liquidation, being surplus seeks direction to respondent Nos.1 and 2 for taking decision with regard to absorption of the petitioner in the State Information Commission as Additional Secretary.

2- The pleadings reveal that the OIL Fed. being under liquidation, the State Government formulated the scheme for absorption of surplus staff of the OIL Fed. in other establishments vide Circular No.सी-3-14/2013/1/3 dated 12.08.2013. In consonance therewith, the petitioner by order dated 24.12.2019 was absorbed as Banking Assistant in District Central Cooperative Bank Maryadit, Mandsaur.

3- However, he declined the same, probably treating it to be not suitable to him and opted for waiting for absorption on appropriate post; an aspect not covered by the Scheme that an incumbent who is absorbed can opt to wait.

4- There being no accrual of right in favour of the petitioner, a surplus employee of OIL Fed. to seek absorption on a choice post.

5- Furthermore, having declined to join the post of Banking Assistant, has no legal right to seek Mandamus to consider him for absorption on the post of Additional Secretary in the State Information Commission or on any other post.

6- Consequently, petition fails and is dismissed. No costs.

(Sanjay Yadav)
ACTING CHIEF JUSTICE

Loretta

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