HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 4344/2020

Bagtawar Singh S/o Man Singh, Aged About 33 Years, Village Khandabhaga, Gram Panchayat Bagdi, Panchayat Samiti Raipur, District Pali, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Rural Development And Panchayati Raj (Panchayati Raj), Government Of Rajasthan, Jaipur, Rajasthan.
2. Deputy Secretary, Rural Development And Panchayati Raj Department, Secretariat Jaipur, Rajasthan.
3. District Collector, Pali, Rajasthan.
4. Chief Executive Officer, Zila Parishad, Pali, Rajasthan.
5. Development Officer, Panchayat Samiti Raipur, District Pali, Rajasthan.
6. Gram Panchayat Bagdi, Panchayat Samiti Raipur, District Pali, Rajasthan Through Its Sarpanch.
7. Jodhpur Escort Agency, Olvi House, Saran Nagar C Ajmer Road, Dist. Jodhpur, Rajasthan Through Its Director.

----Respondents

For Petitioner(s) : Mr. Pawan Singh Rathore
For Respondent(s) : Mr. G.S. Chouhan for
Mr. K.K. Bissa

JUSTICE DINESH MEHTA

Order

21/07/2020

1. By way of the present writ petition, the petitioner has challenged communication dated 15.04.2020, issued by Development Officer, Gram Panchayat Bagdi, Panchayat Samiti Raipur, whereby the petitioner has been relieved of his contractual engagement.

2. The facts in brief are that the petitioner was deployed through a contractor – respondent No.7 to work as Security Guard on Rajiv Gandhi Seva Kendra, Gram Panchayat Bagdi, who has now been allegedly removed vide impugned order dated 15.04.2020.

3. Challenging the order aforesaid, Mr. Pawan Singh Rathore, learned counsel for the petitioner argued that as per the guidelines dated 08.07.2019, issued by the State Government, the respondents Nos.5 and 6 were required to send any communication/letter or even termination order, directly to the Contractor and no communication including the order of dispensing with services could be made directly to the petitioner.

4. On the basis of sole argument, learned counsel contended that the order impugned dated 15.04.2020, deserves to be quashed.

5. Learned counsel further submitted that so far as Contractor – respondent No.7 is concerned, he is prepared to take services of the petitioner, however, since respondents Nos.5 and 6 are not accepting petitioner's services, he has been discharged from the contractual engagement.

6. Mr. G.S. Chouhan, learned counsel appearing for the respondents, invited Court's attention towards the reply filed by the respondents and informed that a dedicated police chowki has been established at 'Atal Seva Kendra, Gram Panchayat Bagdi' and, therefore, no security guard is required at such Kendra. It is asserted by the respondents that they are no more in requirement of any security guard at Atal Seva Kendra.

7. In view of the specific assertion made by the respondents that they are not in requirement of any security guard, given the

fact that a dedicated police chowki has been established, the petitioner cannot thrust himself upon the respondents nor any mandamus can be issued in this regard.

8. So far as the argument of petitioner for questioning the order dated 15.04.2020 is concerned, suffice it to observe that firstly the guidelines dated 08.02.2019 issued by the State Government are directory in nature and secondly even if there is some deviation or violation, it cannot be said that the order is fundamentally without jurisdiction. This Court cannot ensure observance of administrative instructions, which have no force of law.

9. That apart, the order dated 15.04.2020 is not an order of removal or dispensing with the service – it is only an order of relieving. A copy thereof has been endorsed to the Contractor.

10. The communication dated 15.04.2020 is nothing more than an information to the petitioner that his services are not required, that too for valid reasons.

11. That apart, as petitioner's engagement is admittedly of contractual nature, this Court is not a

proper forum for redressal of his grievances.

12. The writ petition, therefore, fails.

13. The stay application also stands disposed of.

(DINESH MEHTA),J

65-skm/-