IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 2nd OF FEBRUARY, 2024

WRIT PETITION No. 1999 of 2024

BETWEEN:-

DEEPAK KATARE S/O SHRI VIJAY KATARE, AGED ABOUT 37 YEARS, OCCUPATION: SERVICE NAKA CHANDRA VADANI IN FRONT OF YADAV COLONY DISTRICT GWALIOR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI AYUSH KUSHWAHA - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY URBAN DEVELOPMENT AND ENVIRONMENT DEPARTMENT MANTRALAYA, VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)**

2. **COMMISSIONER THE MUNICIPAL CORPORATION, GWALIOR GWALIOR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI M.S. JADOUN - GOVERNMENT ADVOCATE)

This petition coming on for admission this day, the court passed the following:

ORDER

1 . Learned counsel for the petitioner made an oral prayer regarding amendment in cause title of the petition.

2. On due consideration, prayer is allowed.

3. Let necessary correction be carried out across the Board.

4. After correction being carried out, matter is heard on admission.

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5. The present petition under Article 226 of the Constitution has been preferred by the petitioner seeking following reliefs:-

> *"(i) That, the respondents be commanded to take cognizance over his representation Annexure - P/1 with a further to allow t perform the duties over the post in question with a further to pass an appropriate order in accordance with law.*
>
> *(ii) That, any other relief which is suitable in the facts and circumstances of the case in favour of the petitioner including the cost throughout; may kindly be granted."*

6. Learned Government Advocate for the State opposed the prayer on the ground that initial two years between 2014-2016 apparently, petitioner remained as daily wager.

7. At this stage, learned counsel for the petitioner fairly informed this Court that after 2016 petitioner has never been assigned any work by the Municipal Corporation, Gwalior.

8. When a person is not assigned any work since 2016 then petitioner has the occasion to pursue his other remedies in accordance with law and under extraordinary / discretionary jurisdiction under Article 226 of the Constitution, no such order for consideration of representation can be passed. Petitioner has to pursue other remedy as per law.

9. Accordingly, petition stands **disposed of in above terms.**

(ANAND PATHAK)
JUDGE

Rashid

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