

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5747 OF 2021
(Arising out of SLP (Civil) No.27737 of 2018)

STATE OF RAJASTHAN & OTHERS

Appellants

VERSUS

SHIV CHARAN MEENA

Respondent

ORDER

Leave granted.

This appeal challenges the judgment and order dated 16.11.2017 passed by the High Court of Judicature for Rajasthan at Jaipur in D.B. Civil Special Appeal (Writ) No.1342 of 2017.

The post of Driver in the Agriculture Department of the State Government at the relevant time was occupied by one Lalu Ram Meena, whose services were regularized w.e.f. 16.10.2002 vide office order dated 08.01.2003. However, since said Lalu Ram Meena was sent on deputation, services of the respondent herein were engaged on contract basis through Jaipur Ex-Servicemen Welfare Cooperative Society Ltd. (“the Society” for short) sometime in 2009. According to the appellant, a consolidated bill would be raised by the Society on monthly basis and the money would be released in favour of the Society.

The services of the respondent were disengaged after said Lalu Ram Meena was repatriated to the concerned Department. The respondent was, thus, directed to handover charge of the vehicle in question to said Lalu Ram Meena vide office order dated 05.05.2015.

This led to the filing of S.B. Civil Writ No.7637 of 2015 by the respondent praying *inter alia* that his services were being substituted by another contractual employee and that his services as Driver in the Department be regularised. The writ petition so preferred by the respondent was allowed by the Single Judge of the High Court vide judgment and order dated 09.05.2017 with costs in the sum of Rs.25,000/-.

Being aggrieved, the Department preferred D.B. Civil Special Appeal (Writ) No.1342 of 2017, which came to be dismissed by the Division Bench of the High Court by its judgment and order dated 16.11.2017.

Being aggrieved, the State Government has preferred the instant appeal.

The documents on record clearly show that it was not a case of another contractual or *ad hoc* employee being appointed in place of the respondent but rather it was a case of regular appointee getting repatriated to the parent department.

In the circumstances, the High Court was in error in accepting the submissions advanced on behalf of the respondent and allowing the writ petition preferred by the respondent.

We, therefore, allow this appeal, set-aside the impugned order passed by the High Court and dismiss S.B. Civil Writ No.7637 of 2015.

In the peculiar fact situation of the matter, in addition to the costs awarded by

the High Court, we direct the appellant to make over further sum of Rs.25,000/- to the respondent within four weeks from today.

With these observations, the appeal stands allowed.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

.....J.
(BELA M. TRIVEDI)

NEW DELHI,
SEPTEMBER 17, 2021.