

HIGH COURT OF MADHYA PRADESH AT JABALPUR
SINGLE BENCH: HON'BLE SHRI JUSTICE SUBHASH KAKADE

Con.C. 630 of 2014(S)

Shivsharan Bajpai & others

Versus

Shri Sanjay Singh & others

None present for the parties.

(ORDER)

(Passed on : 30.04.2016)

This Contempt Petition under Article 215 of the Constitution of India read with Section 12 of the Contempt of Court Act has been filed by the petitioners alleging non-compliance of the order dated 28.01.2014 passed in Writ Petition No.13591 of 2013(S).

02. The petitioner Shivsharan Bajpai and 66 others petitioners by filing the writ petition *inter alia* demanded to direct the respondents to grant them Kramonnati Vetanman as they have completed 12 years and 24 years services in various State Government aided institutions.

03. When the Writ Petition No.13591/2013(S) came-up for hearing, this Court vide order dated 28.01.2014 directed that the petitioners will file fresh representation before respondent no.1 with a period of 30 days. Respondent no.1 on receiving such representations, shall take a decision thereon in accordance with

law within a period of three months and communicate the same to respective petitioners.

04. In compliance of above directions, the petitioners have filed the representation Annexure C/2 before the respondents, but the respondents deliberately and intentionally disobeyed the directions given by this Court, hence, this contempt petition.

05. None appeared on behalf of the petitioners on the date of hearing, i.e., 26.04.2016.

06. None is also appeared on behalf of the respondents, but reply dated 07.09.2014 which is duly supported by affidavit of respondent no.3 and order Annexure R/1 dated 11.07.2014 is available on record.

07. It is evident from perusal of the reply that the answering respondents after considering the entire facts and circumstances of the case decided the representation filed by the petitioners by passing a reasoned speaking order Annexure R/1 dated 11.07.2014 and rejected the prayers sought by the petitioners as they are not covered by various orders passed by the State Government as the petitioners are working under the private institutions financially aided by the State, which reads as under:

"म०प्र० अशासकीय शिक्षण संस्था अनुदान नियम 2008 द्वारा अशासकीय शिक्षण संस्थाओं को अनुदान प्रदाय करने के संबंध में मापदण्ड एवं प्रक्रिया निर्धारित की गई है। इन नियमों के प्रभावशील होने से पूर्व में प्रभावशील म०प्र० अशासकीय शिक्षण संस्था (अध्यापकों तथा अन्य कर्मचारियों का निलंबन) नियम 1978 म०प्र० संस्थागत निधि नियम 1983ए म०प्र० अशासकीय शिक्षण संस्था (अध्यापकों तथा अन्य

कर्मचारियों को पदच्युत करने, सेवा से हटाने संबंधी प्रक्रिया) नियम 1983, म0प्र0 अशासकीय शिक्षण संस्था (स्कूलों में कार्यरत अध्यापकों तथा अन्य कर्मचारियों की पदोन्नति) नियम 1988 तथा म0प्र0 अशासकीय शिक्षण संस्था (अध्यापकों तथा अन्य कर्मचारियों की भर्ती) नियम 1979 निरसित किए गए हैं। तदनुसार अनुदान प्राप्त विधालय के कर्मचारियों हेतु एतद विषयक नियम/प्रावधान अस्तित्व में नहीं है।”

08. Since, the order has already been complied with, nothing survives in the matter.()

09. Liberty is extended to the petitioners that in case they feels aggrieved by the manner in which their claims are rejected, they may resort to the remedy as may be available under the law by challenging the order Annexure R/1 dated 11.07.2014.

10. Accordingly, with the aforesaid liberty to the petitioners, in view of the order Annexure R/1 dated 11.07.2014, the *rule nisi* issued against the respondents stand discharged. The contempt petition also stands disposed of.

11. No orders as to cost.