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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL**

ON THE 17th OF MARCH, 2023

WRIT PETITION No. 22814 of 2017

BETWEEN:-

**ROHINI PRASAD TIWARI S/O TRIVENI PRASAD TIWARI,
AGED ABOUT 62 YEARS, OCCUPATION: RETIRED FROM
AMIN FROM WATER RESOURCES DEPARTMENT DIVIL
NO. 1 SIDHI SUB DIVISION NO MAJHOULI GRAM
TEGBA TEH. GOPADBANAS (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI PAVAN KUMAR SAXENA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THORUH
PRINCIPAL SECRETARY SECRETARY WATER
RESOURCES MINISTRY VALLABH BHAWAN,
(MADHYA PRADESH)**
- 2. ENGINEER IN CHIEF WATER RESOURCE
DEPARTMENT BHOPAL (MADHYA PRADESH)**
- 3. CHIEF ENGINEER GANGA KACHCHAR WATER
RESOURCES DEPARTMENT REWA (MADHYA
PRADESH)**
- 4. SUB DIVISIONAL OFFICER PUBLIC WORKS
DEPARTMENT SUB DIVISION SIDHI (MADHYA
PRADESH)**

.....RESPONDENTS

(BY SHRI MANAS MANI VERMA - GOVERNMENT ADVOCATE)

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

ORDER

This petition is filed by the petitioner claiming relief in the light of the law

laid down by this High Court in case of **Mamta Shukla Vs. State of M.P. & another 2011 (3) M.P.L.J. 278.**

When this court categorically asked learned counsel for the petitioner that whether petitioner was offered an opportunity on Work Charge and Contingency Paid Establishment, he fairly submits that petitioner was not appointed as a Member of the Work Charge and Contingency Paid Establishment and he was not regularized.

Petitioner has not filed a copy of the order of his regularization but it is evident from the order dated 2/05/2016 passed by the Chief Engineer, Ganga Kachchar, Water Resources Department, Rewa that petitioner was never part of Work Charge and Contingency Paid Establishment and, therefore, his case is different from the law laid down by this High Court in the case of **Mamta Shukla** (supra).

In view of such facts when petitioner was never a Member of Work Charge and Contingency Paid Establishment in the past years and in terms of the provisions contained in M.P. (Work Charged and Contingency Paid Employees) Pension Rules 1979, the petition deserves to be dismissed and is hereby **dismissed.**

(VIVEK AGARWAL)
JUDGE