

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 19137/2022

Bhanwar Lal Yadav S/o Shri Jagdish Yadav

-----Petitioner

Versus

State Of Rajasthan & ors.

-----Respondents

For Petitioner(s) : Mr. Himanshu Jain

For Respondent(s) : Dr. Vivek Tyagi, Dy. G.C.

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

03/05/2023

1. Learned counsel for petitioners states that petitioners are discharging their duties on the post of Computer Operator Man with Machine, Helper, Assistant Lab Technician since 2013 in Mukhyamantri Nishulk Janch Yojna (MNJY Scheme) and Mukhyamantri Nishulk Dava Yojna (MNDY Scheme). Initially petitioners were engaged through placement agency, however vide order dated 15.03.2016 (Ann.A/5) issued by the Director (Non-Gazetted) Medical & Health Department Rajasthan, Jaipur, services of petitioners were transferred to the Rajasthan Medicare Relief Society. Since then Rajasthan Medicare Relief Society is the employer of petitioners. Now respondents are inclined to change the employer of petitioners to respondent No.4-M/s Motherland Security and Labour Welfare Society which is a placement agency.
2. Learned counsel for petitioners further states that during the course of writ petition, vide order dated 04.01.2023 respondents have relieved three petitioners (petitioner No.1-Bhanwar Lal Yadav, petitioner No.6-Mohemmed Asrar and petitioner No.11-

Ramdas Sharma) out of thirteen petitioners, which is arbitrary and discriminatory.

3. It is not in dispute that aforesaid schemes are in operation and *prima facie* the action of respondents transferring the employment of petitioner from the Rajasthan Medicare Relief Society to M/s Motherland Security and Labour Welfare Society showing that the need of services of petitioners exists and undisputedly schemes are already in operation.

4. In view of above, the relieving three petitioners i.e. petitioner No.1-Bhanwar Lal Yadav, petitioner No.6-Mohemmed Asrar and petitioner No.11- Ramdas Sharma vide order dated 04.01.2023 during the course of writ petition is arbitrary, therefore, while staying the order dated 04.01.2023, it is hereby directed that petitioners may be allowed to continue to serve under the employment of Rajasthan Medicare Relief Society.

5. Application No.1/2023 stands disposed of.

6. List the matter on 17.07.2023.

(SUDESH BANSAL),J