

मध्यप्रदेश शासन
सामान्य प्रशासन विभाग
मंत्रालय
वल्लभ भवन, भोपाल-462004

क्रमांक सी. 3-4/2017/3/एक

भोपाल, दिनांक 15 नवम्बर, 2018

प्रति,

समस्त अपर मुख्य सचिव/
प्रमुख सचिव/सचिव,
मध्यप्रदेश शासन,
अध्यक्ष, राजस्व मण्डल, म.प्र. ग्वालियर,
समस्त विभागाध्यक्ष,
समस्त संभागायुक्त,
समस्त जिलाध्यक्ष,
समस्त मुख्य कार्यपालन अधिकारी, जिला पंचायत,
मध्यप्रदेश।

विषय—शासकीय कर्मचारियों द्वारा प्रस्तुत अभ्यावेदनों का निराकरण
समय—सीमा में करने के संबंध में।

संदर्भ:—सामान्य प्रशासन विभाग का समसंख्यक ज्ञापन दिनांक 26.04.2017.

संदर्भित ज्ञापन का कृपया अवलोकन करने का कष्ट करें जिसके द्वारा माननीय उच्च न्यायालय के एक निर्णय के अनुक्रम में यह निर्देश जारी किए गए थे कि माननीय न्यायालय के आदेश के प्रकाश में शासकीय कर्मचारी द्वारा प्रस्तुत अभ्यावेदन का समय—सीमा में निराकरण किया जाए। इन निर्देशों के उपरांत भी विभागों/जिलों में प्रभावी कार्रवाई नहीं हो सकी है, जिससे न्यायालय में निरन्तर प्रकरण प्रस्तुत हो रहे हैं।

2. माननीय उच्च न्यायालय मध्यप्रदेश, जबलपुर द्वारा रिट पिटीशन क्रमांक 20918/2018 तथा अन्य याचिकाओं में दिनांक 10.09.2018 में पारित आदेश की छाया प्रति संलग्न है। माननीय न्यायालय द्वारा उक्त स्थिति पर चिन्ता प्रकट करते हुए यह टिप्पणी की गई है कि शासकीय कर्मचारियों द्वारा केवल अभ्यावेदनों का निराकरण करवाने के लिए उच्च न्यायालय के समक्ष याचिकाएँ दायर की जाती हैं जिससे न्यायालय पर कार्य का बोझ बढ़ता है जबकि न्यायालय के समक्ष अन्य हजारों प्रकरण विचार के लिए लंबित हैं। इस प्रकार की याचिकाएँ दायर करने से कर्मचारियों को भी परेशानी होती है तथा कागज एवं अन्य संसाधनों का अपव्यय भी होता है। न्यायालय के मत में इस प्रकार की

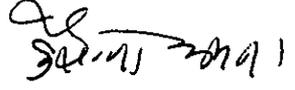
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28/11/2018

(2)

याचिकाएँ दायर करने को हतोत्साहित किया जाना आवश्यक है। संबंधित अधिकारियों द्वारा कर्मचारियों के अभ्यावेदनों पर समय-सीमा में निर्णय लेने पर ही इस उद्देश्य की प्राप्ति हो सकती है।

3. अतः पुनः निर्देशित किया जाता है कि सेवा संबंधी मामलों में शिकायतों/अभ्यावेदनों का द्रुतगति से निराकरण सुनिश्चित किया जाए।

संलग्न : माननीय उच्च न्यायालय का
आदेश दिनांक 10.02.2018.



(के.के. कातिया)

अपर सचिव

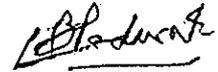
मध्यप्रदेश शासन

सामान्य प्रशासन विभाग

पृष्ठांकन क्रमांक सी. 3-4/2017/3/एक भोपाल, दिनांक 15 नवम्बर, 2018

प्रतिलिपि:-

1. रजिस्ट्रार जनरल, उच्च न्यायालय मध्यप्रदेश जबलपुर।
2. रजिस्ट्रार, मध्यप्रदेश उच्च न्यायालय, खण्डपीठ, ग्वालियर/इन्दौर।
3. सचिव, लोकायुक्त मध्यप्रदेश, भोपाल
4. सचिव, मध्यप्रदेश लोक सेवा आयोग, इन्दौर।
5. महानिदेशक, प्रशासन अकादमी मध्यप्रदेश, भोपाल।
6. अध्यक्ष, व्यावसायिक परीक्षा मण्डल मध्यप्रदेश, भोपाल।
7. मुख्य निर्वाचन पदाधिकारी, मध्यप्रदेश, भोपाल।
8. सचिव, मध्यप्रदेश राज्य निर्वाचन आयोग, भोपाल।
9. सचिव, मध्यप्रदेश राज्य सूचना आयोग, निर्वाचन भवन, भोपाल।
10. आयुक्त, जनसंपर्क संचालनालय, मध्यप्रदेश, भोपाल।
11. संयुक्त आयुक्त/उपायुक्त लिटिगेशन, जबलपुर, इन्दौर एवं ग्वालियर।
12. महाधिवक्ता, मध्यप्रदेश, जबलपुर/अतिरिक्त महाधिवक्ता मध्यप्रदेश उच्च न्यायालय खण्डपीठ, ग्वालियर/इन्दौर।



उप सचिव

मध्यप्रदेश शासन

सामान्य प्रशासन विभाग

HIGH COURT OF M.P. AT JABALPUR

// MEMORANDUM //

By Ordinary Mode

Process Id: 129929/2018

Endt.No.Q/Cmp DA 2/WP/20918/2018

Jabalpur, Dated 25-09-2018

26/9

To,

The Addl. Chief Secretary/Principal
Secretary,
Commissioner Departmental Inquiry
(Coordination) Chief Secretary Office,
District- Bhopal (M.P.)

Sub:- Copy of order passed by the Hon'ble Court.

* * * *

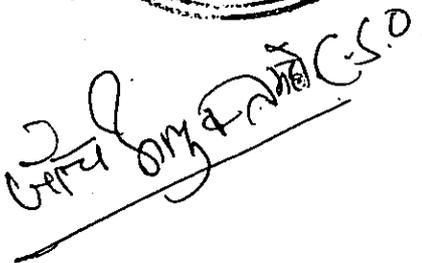
Please find enclosed herewith copy of order dated 10/09/2018 passed by the Hon'ble Court in WP/20918/ 2018 [DR. A.P.S. BUNDELA Vs THE STATE OF M.P.] for your needful at your end as per order of Hon'ble Court.


25-9-18

for DEPUTY REGISTRAR(JUDICIAL)

Encl: As above




C.S.O.

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

W. P. No. 2098 /2018

PETITIONER

*2018
S. Bundela*

Dr. A.P.S. Bundela,
S/o Shri L.S. Bundela,
Aged about 57 Years,
Presently posted as Homoeopathic
Medical Officer, Government
Homoeopathic Dispensary, Teela
Jamalpur, Bhopal,
District Bhopal (M.P.)

Versus

RESPONDENTS: 1.

State of Madhya Pradesh,
Through its Principal Secretary,
Department of Ayush, Mantralaya,
Vallabh Bhawan, Bhopal (M.P.).

2. Chief Secretary,
Government of Madhya Pradesh,
Mantralaya, Vallabh Bhawan,
Bhopal (M.P.).

3. Commissioner, Ayush,
Satpura Bhawan, Bhopal (M.P.).

4. District Ayush Officer, Ayush
Parishar, Kaliasod Maidan, Nehru
Nagar, Bhopal (M.P.).

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

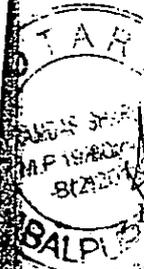
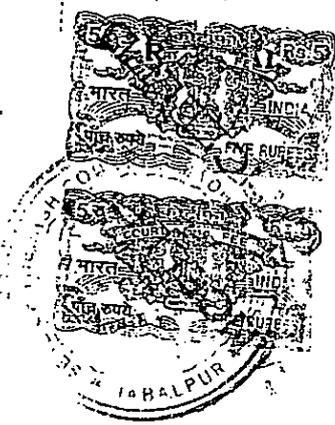
**1. PARTICULARS OF THE CAUSE/ORDER AGAINST
WHICH THE PETITION IS MADE:**

- (1) Date of order : Nil
- (2) Passed in : Nil
- (3) Passed by : Nil

(4) SUBJECT MATTER IN BRIEF:

That by filing the instant writ petition under Article 226 of the Constitution of India, the petitioner seeks to highlight the impugned, arbitrary and mala fide action

2018



HIGH COURT OF MADHYA PRADESH: JABALPUR
WP No.20918/2018 ✓

(Dr. A.P.S.Bundela Vs. State of MP & others)

WP No.21057/2018

(Dalveer Singh Vs. State of MP & others)

WP No.21059/2018

(Dharmendra Singh Vs. State of MP & others)

WP No.21078/2018

(Manaswar Ram Bhagat Vs.. State of MP & others)

Dated: 10.09.2018

Shri Swapnil Ganguly, Advocate for the petitioner in WP No.20918/2018 and WP No.21078/2018.

Smt. Smita Varma, Advocate for the petitioner in WP No.21057/2018 and,

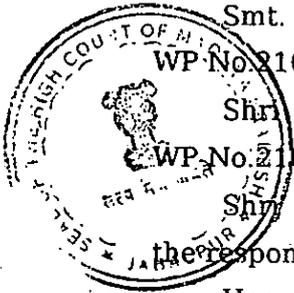
Shri Pawan Kumar Singh Sengar, Advocate in WP No.21059/2018.

Shri Girish Kekre, learned Govt. Advocate for the respondents-State on advance.

Heard on admission.

These petitions are being disposed of by a common order as the singular issue in all these petitions is that the representations submitted by the petitioners-Government employees for redressal of their grievances have not been decided by the concerned authorities before whom the same are pending.

All these petitions have been filed by the petitioners/government employees under Article 226 of the Constitution of India against the inaction on the part of the different respondents/higher



government authorities in deciding their respective representations, hence the same are being disposed of as under:-

WP No.20918/2018

This petition under Article 226 of the Constitution of India is filed by the petitioner, who is posted as Homeopathic Medical Officer in the Government Homeopathic Dispensary, Bhopal, and is aggrieved by the inaction on the part of the respondents to decide the petitioner's representation dated 25.10.2017 and 09.11.2017.

Learned counsel for the petitioner has submitted that the petitioner's representation has already recommended by the respondent No.4 to the respondent No.1 on 23.11.2017 but till date no orders have been passed on the said recommendation as well.

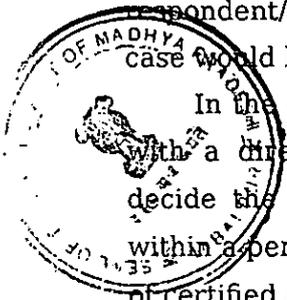
Learned Government Advocate for the respondent/State has submitted that the petitioner's case would be dealt with expeditiously.

In the circumstances, the petition is disposed of with a direction to the respondents No.1 to 3 to decide the petitioner's representation expeditiously within a period of four weeks from the date of receipt of certified copy of this order.

It is made clear that this Court has not expressed any view on the merits of the case.

WP No.21057/2018

This petition has been filed under Article 226 of the Constitution of India by the petitioner, who is posted as Chowkidar, against the inaction on the part

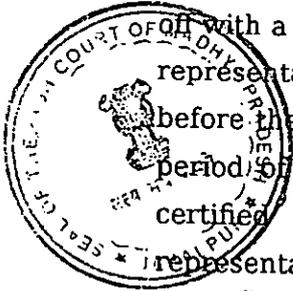


of the respondents to decide his representations dated 03.11.2016 & 04.07.2018 as the case of the petitioner is that he is posted on the post of Chowkidar since 1990 with Patwari Halka Lalitpur, Tehsil Amarpatan, Distt. Satna (M.P).

The contention of the petitioner is that his case has already been recommended by the Deputy Collector, Satna on 03.06.2004 and 04.10.2005 and duly forwarded on 08.11.2016 but till date no action has been taken in this behalf.

Learned counsel for the State has submitted that the petitioner's case would be processed expeditiously.

In the circumstances, this petition is disposed with a direction to the petitioner to submit a fresh representation alongwith all the relevant documents before the Collector, Satna/respondent No.3 within a period of three weeks from the date of receipt of certified copy of this order and if such a representation is submitted by the petitioner, the same shall be decided by the Collector, Satna/respondent No.3 in accordance with law within a period of six weeks from the date of submission of representation alongwith certified copy of this order.



It is made clear that this Court has not expressed any opinion on the merits of the case.

WP No.21059/2018

This petition has been filed under Article 226 of the Constitution of India by the petitioner, who is

posted as Salesman in the Cooperative Society, Fair Price Shop, Rewa, against the inaction on the part of the respondents to decide his representation dated 12.02.2018 (Annexure P/4) wherein he has sought transfer of POS (Point Of Sale) machine in his name which has also been recommended by respondent No.6 but till date no action has been taken in this behalf.

Learned G.A. for the respondents/State has submitted that the petitioner's case would be dealt with expeditiously.

In the circumstances, this petition is disposed off with the direction to respondents No.6/ 7 to decide the petitioner's representation dated 12.02.2018 (Annexure P/4) in accordance with law, expeditiously, preferably within a period of three weeks from the date of receipt of certified copy of this order.

It is made clear that this Court has not expressed any opinion on the merits of the case.

WP No.21078/2018

This petition has been filed by the petitioner, who is posted as Senior Teacher in the Government Higher Secondary School, Anuppur, against the inaction on the part of the respondents to decide his representation dated 21.08.2018 (Annexure P/5) which has been filed by him claiming the salary from May, 2018 onwards.

The aforesaid representation has been filed by the petitioner pursuing the matter at his own will but no orders have been passed till date.

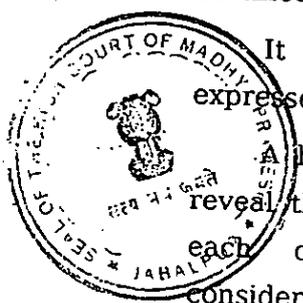
Learned counsel for the State has submitted that the petitioner's case would be expeditiously decided.

In the circumstances, this petition is disposed of with the direction to the respondent Nos.3 to 6, whoever is responsible to decide the petitioner's representation dated 21.08.2018 (Annexure P/5) in accordance with law, expeditiously, preferably within a period of six weeks from the date of receipt of certified copy of this order.

It is made clear that this Court has not expressed any opinion on the merits of the case.

A bare perusal of the aforesaid orders would reveal that since the representations submitted by each of the petitioners are still pending consideration, without entering into the merits of the cases, the concerned respondents/competent authorities of the respective petition have been directed to decide the petitioners' representation in accordance with law expeditiously preferably within a certain time frame from the date of receipt of certified copy of this order.

The aforesaid illustration of disposal of writ petitions demonstrates the sorry state of affairs at the level of State Government where the representations submitted by its employees are to be



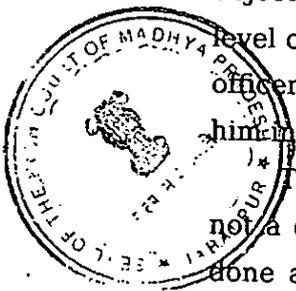
decided. This Court has observed that such petitions are being filed by the Government employees every now and then in a routine manner only to get an orders/direction from this Court so that their representations can be decided within a specified time frame.

Apparently these petitions may be important to the petitioners but otherwise, are trivial in nature as no important issues are involved except that the representations are still pending and if such petitions are not disposed of at the threshold and the notices are issued, they tend to increase the work of the Registry of this court by many fold as also of the High Court itself. It is also pertinent to mention here that such petitions are the first round of litigation because when the representations are decided by the higher authorities after intervention of this court in the writ petition, in case if the petitioner is still aggrieved, he would surly file yet another writ petition challenging the said order, thus, each of such petitions has the potential of generating yet another writ petition in which also all those documents would again be filed and all the procedural formalities are once again have to be completed, thus, there is unnecessary multiplicity of litigation which has to be avoided.

This Court is concerned that such petitions are a huge burden on the national resources also because normally each of such petitions runs into number of pages ranging in the vicinity of 25 to 100 pages, as the case may be, and initially its four copies

are required even when the notices are not issued, as two copies are filed in the Court, one in the Advocate General's office and one is kept by the petitioner himself, thus, it is anybody's guess as to how much paper is wasted in filing just one writ petition, which otherwise is a criminal waste of paper and other resources because, its only outcome is a brief order passed by this court as illustrated aforesaid which is attributable to the unwillingness on the part of the government officials to decide the representations within a time bound manner.

In the considered opinion of this Court, filing of such petitions has to be discouraged and this objective can only be achieved at the administrative level of the Government if the concerned Government officer decides the representation submitted before him in a time bound manner.



This Court is of the considered opinion that it is not a difficult task to form such a policy and can be done at the various levels of administration viz. the Collector, Commissioner and the Principal Secretary who can act on their own by giving executive instructions in this behalf which would not only save the Government employees running from pillar to post and from filing writ petitions incurring avoidable expenses from their limited salary but would also save High Court's valuable time where thousands of cases are already pending consideration.

The grievances of the employees of just about every other department of the Government, can be remedied at the initial stage itself i.e. at the level of

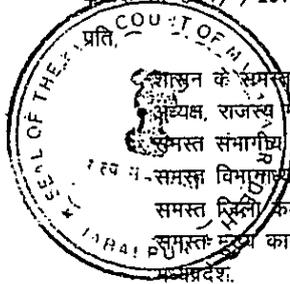
the concerned department for which appropriate guidelines may be issued either by Collectors/Commissioners/departmental heads, and the Chief Secretary can also issue general guidelines in this behalf.

It is pertinent to mention here that earlier, this Court, in those cases in which the Government employees' identical cases are covered by an order passed by this Court, has passed specific order on 04.1.2017 in W.P.No.20876/2016 and acting upon the same, the Chief Secretary, Government of M.P. has also issued a circular to the all the departments of the Government. The aforesaid circular reads as under:-

‘मध्यप्रदेश शासन
सामान्य प्रशासन विभाग
मंत्रालय, वल्लभ भवन, भोपाल

क्रमांक पी-3-4//2017/3/एक

भोपाल, दिनांक 26 अप्रैल, 2017



विषय:- डब्ल्यू.पी.क. 20876/2016 द्वारा श्रीमती सुशीला देवी चौधरी, संविदा शाला शिक्षक, जिला शहडोल विरुद्ध म.प्र. शासन एवं अन्य, में मान. उच्च न्यायालय, जबलपुर द्वारा पारित निर्णय दिनांक 04/01/2017 के परिपालन बाबत।

विषयांकित न्यायालयीन प्रकरण में मान. उच्च न्यायालय, जबलपुर द्वारा इस बात को लेकर अप्रसन्नता व्यक्त की गई है कि पूर्व के समरूप उदाहरण/न्यायालयीन निर्णय होने के बावजूद सक्षम प्राधिकारी द्वारा आवेदकों/याचिकाकर्ताओं को नियमोचित वांछित लाभ नहीं दिया जाता है अथवा अभ्यावेदन का नियमानुसार निराकरण नहीं किया जाता है जिससे कर्मचारीगण न्यायालय की शरण लेने हेतु विवश होते हैं जिससे उन पर तो

आर्थिक भार पड़ता ही है, साथ ही, न्यायालय में भी प्रकरणों की अनावश्यक बढ़ोतरी होती है। अतः मान. उच्च न्यायालय, जबलपुर द्वारा निम्नानुसार कार्यवाही के निर्देश दिए हैं:-

(1) जैसे ही शासकीय कर्मचारी द्वारा पूर्व में पारित निर्णय के प्रकाश में समरूप लाभ बावत् अभ्यावेदन प्रस्तुत किया जाता है तो उक्त अभ्यावेदन का नियमानुसार निराकरण निर्धारित समय सीमा में किया जावे।

(2) शासकीय कर्मचारी से भी अपेक्षा है कि यदि पूर्व में पारित निर्णय के प्रकाश में समरूप लाभ बावत् उनके द्वारा सक्षम प्राधिकारी के समक्ष अभ्यावेदन प्रस्तुत किया जाता है तो उक्त न्यायालयीन निर्णय में निर्धारित समय सीमा के पश्चात् ही न्यायालय की शरण लेनी चाहिए। जिन न्यायालयीन निर्णयों में समय सीमा निर्धारित नहीं है, ऐसे प्रकरणों में समय सीमा निर्धारित नहीं है, ऐसे प्रकरणों में समय सीमा चार सप्ताह मानी जानी चाहिए।

2/ अतः अपेक्षा है कि कृपया मान. उच्च न्यायालय, जबलपुर के उक्त निर्देशों का कड़ाई से पालन सुनिश्चित किया जावे। अभ्यावेदक द्वारा प्रस्तुत अभ्यावेदन का निराकरण स्पीकिंग आर्डर के जरिए निर्धारित समय में किया जावे। मूल निर्णय के परिप्रेक्ष्य में अभ्यावेदन का नियमानुसार निराकरण समय सीमा में न होने से अवमानना प्रकरण दायर होता है तो उत्तरदायित्व का निर्धारण किया जाकर उत्तरदायी कर्मचारी/अधिकारी के विरुद्ध नियमोचित अनुशासनात्मक कार्यवाही भी की जाये।

(सीमा शर्मा)
प्रमुख सचिव
मध्यप्रदेश शासन
सामान्य प्रशासन विभाग



The issuance of aforesaid circular has indeed made a positive impact hence such appropriate circular can again be issued in respect of the aforesaid problem where the employees whose representations are not decided by the authorities for months/years together and which are not covered by any order passed by this court.

Admittedly, the practice of filing such petitions as aforesaid is as old as the High Court itself and it also suits to the needs of litigants and the lawyers alike. But the time has come now that it should be

done away with. So far as this Court is concerned, it can certainly do without such disposals to its credit.

For the aforesaid reasons, for the larger interest of all the parties to a *lis*, this Court is compelled to pass this order so that appropriate and timely measures can be taken by the responsible government officers.

Certified copy as per rules.

A certified copy of this order be sent to the Chief Secretary of the State Government, as also to the Collectors/ Commissioners/Principal Secretaries for necessary action.

A typed copy of this order be also sent to the office of Advocate General of the Madhya Pradesh, Jabalpur for necessary compliance.



Sd/-
(Subodh Aphyankar)
Judge

Jabalpur.