

THE HIGH COURT OF MADHYA PRADESH

WP-16576/2021(PIL)

(MANOJ KUSHWAHA & OTHERS VS STATE OF MP. AND OTHERS)

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Jabalpur, Dated: 27.08.2021

Heard through Video Conferencing:

Shri Amit Seth, Advocate for the petitioners.

Shri Purushaindra Kaurav, Advocate General with Shri Pushpendra Yadav, Additional Advocate General for the respondents/State.

Shri Praveen Dubey, Advocate for the respondent No.3/MP Patwari Sangh.

This writ petition by way of *Public Interest Litigation*, has been filed by petitioners Manoj Kushwaha, Akash Yadav and Smt. Saroj Yadav *inter-alia* with the prayer that *en masse* strike by approximately fifteen thousands Patwaris on the call given by Madhya Pradesh Patwari Sangh should be declared illegal and a direction be issued to them to forthwith join their duties and at the same time, the State Government should be directed to take corrective measures and appropriate action for redressal of their grievances.

Shri Amit Seth, learned counsel for the petitioners has invited attention of this Court towards the order dated 3.12.2015 passed by this Court in **WP No.20939/2015 (PIL) [Rajesh Patel Vs. State of M.P. & Others]**, which was passed when the Patwaries of the State in similar manner proceeded on strike from 21.11.2015, as a result of which, the relief operations and other works in various schemes being implemented by the State Government for the benefit of farmers and general public, were adversely affected. It was contended that the services of the Patwaris are notified under Section 3 of M.P. Lok Sewaon Ke Pradhan Ki Guarantee Adhiniyam, 2010, essential service, therefore, the strike was illegal as they are under obligation to continue to discharge their duties.

Perusal of the aforementioned order dated 3.12.2015 indicates that this Court held that prima-facie strike of Patwaris, at the instance of their union, is contrary not only to their service conditions but also the statutory rules and the laws. The Court, therefore restrained the Patwaris from continuing on strike under the sponsorship of their union and directed them to resume their work forthwith. At the same time, Court also give absolute liberty to the State Government to take consequential departmental action and criminal action against the Patwaris and the office bearers for participating in such illegal strike, if they do not follow the direction. The Chief Secretary of the State Government was directed to ensure compliance of the orders.

In a similar way, when the Patwaris of the State of M.P. again proceeded on strike on 10th April, 2017, another writ petition by way of public interest litigation was filed before this Court being **WP No.5970/2017 (Rajesh Patel Vs. State of Madhya Pradesh)**. Referring to the order passed in WP No.20939/2015 (PIL), discussed above, this Court again directed Patwaris to forthwith assume their duties and refrain from indulging in any kind of strike. The Chief Secretary of the State was directed to inform all concerned through Collectors of each District regarding due compliance of the order. The Court also expressed the hope that the State Government will consider the grievances raised by the Patwaris Sangh within a period of three months.

Shri Praveen Dubey, learned counsel appearing for the respondent No.3-Madhya Pradesh Patwari Sangh submits that Patwaris in the State through their association have been pressing their various demands for last four years, ever since last time when they proceeded on strike and called off the strike pursuant to the order of this Court dated 25.4.2017, but many of their demands have still not been fulfilled. In the course of submissions, he highlighted mainly three demands, **first** is that Patwaris should not be transferred outside the districts in which they have been appointed, **second** is with regard to revision of pay scale and **third** is with regard to providing

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laptop/mobile handset/hardware so as to facilitate them to effectively discharge their duties.

Shri Purushaindra Kaurav, learned Advocate General submits that the State Government is open to consider all the reasonable demands, but the strike of the Patwaris is wholly unjustified. He submitted that senior officers of the State Government shall meet with the representatives of the Patwari Sangh for negotiation on their demands and take a decision thereon within a reasonable time. He submitted that as far as the demand of providing Computer/Laptop/Mobile Phone is concerned, the Government has already given discretion to each of the Patwaris to purchase the same up to the maximum value of Rs.50,000/-, which is reimbursable. It is therefore wrong to suggest that Computer/Laptop/Mobile Phone/hardware are not being provided to the Patwaris to discharge their duties.

This Court does not wish to go into the details of the demands of the Partwaris. It is a matter to be discussed between the representatives of respondent No.3-Union and the senior officers of the State Government. We therefore, direct the respondent No.3 and through them all the Patwaris of the State to forthwith resume their duties. We also direct that the Chief Secretary of the State to ensure that representatives of the respondent No.3-Union are called for negotiation within a week for discussion on their demands and a decision on such demands is taken within the next two months.

Shri Praveen Dubey, learned counsel appearing for the respondent No.3-Madhya Pradesh Patwari Sangh has assured that the Patwaries will resume the duties forthwith.

Matter to come up **on 25.10.2021** to see the compliance of the order.

(MOHAMMAD RAFIQ)

CHIEF JUSTICE

(PRANAY VERMA)

J U D G E

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