

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR  
WP No. 13840 of 2022**

*(JABALPUR DIVISION INSURANCE EMPLOYEES UNION (JDIEU) AND OTHERS Vs THE STATE OF  
MADHYA PRADESH AND OTHERS)*

**Dated : 24-06-2022**

Shri V. K. Tripathi, learned counsel for petitioners.

Shri A. Rajeshwar Rao, learned Govt. Advocate and Shri Siddharth Seth, Advocate for the respondents.

By way of present petition under Article 226 of Constitution of India, challenge is made to Annexure P/1, P/2 & P/3, whereby the members of the petitioner Association are called for training for their deployment in the forthcoming Panchayat Election duties.

Learned counsel for the petitioners submitted that Secretary, State of M.P. Election Commission, Bhopal has issued a letter dated 29.12.2004 whereby it has been directed that services of employees of Central Government/Officers of the Association of Central Government could not be deployed in the Panchayat Election duties. On this basis, he prayed for stay of impugned orders.

Issue notice to respondents on payment of P.F within seven days by RAD as well as ordinary mode.

This Court considered the arguments made by counsel for the petitioner and as an interim measure, directed that employees of petitioner's association will not be forced to do election duty. After passing of interim order, Shri Siddharth Seth, Advocate appeared before this Court on behalf of Election Commission and submitted that first phase of election is going to be held on 25.06.2022. Officers of petitioner Associations will go for polling duty in two areas i.e. Vijayraghavgarh and Dheemarkheda on said date. Officers of

petitioner Associations prayed that no election duty be assigned to them in said areas on 25.06.2021 as per the earlier orders passed by this Court. It is submitted by counsel for Election Commission that today said officers have to collect the material and go to respective polling stations to conduct election. It is submitted that if any interim order is passed, then election in said areas will be interrupted. The Apex Court has already made observation in its order passed in W.P. (C) No. 278/2022, dated 10.05.2022, wherein it is observed that already there is long delay in conduct of election and if any interim order is passed, it will not be possible for Election Commission to conduct election. Therefore, this Court may not pass any interim order, otherwise it will disrupt the process of election.

Counsel appearing for the petitioner submitted that as per Nirvachan Niyam, 1995, Rule 24, officers of the Central Government and Corporations cannot be employed in election duty. It is submitted that as per the said Rule, officers belonging to State Government or officers under local bodies like municipalities can be assigned election duty but not the officers of the Central Government or of Corporations. It is submitted that Election Commission has acted contrary to the said Rules and also contrary to the orders and judgments passed by the High Court. High Court has already passed interim order in number of cases. Despite knowing the said judgments and orders, respondents have passed orders contrary to same committing contempt of said orders and judgments. Therefore, this Court shall interfere and interim protection be granted to petitioner Associations.

Heard the counsel for the petitioner as well as respondents.

Considering the facts and circumstances of the case and the fact that election in Vijayraghavgarh and Dheemarkheda in first phase is to be held

tomorrow i.e. 25.06.2022 and if any interim order is passed today then election in said areas will be interrupted. Considering the same, interim relief in respect of first phase of election i.e. 25.06.2022 is denied but, as far as the election of second and third phase to be conducted on 01.07.2022 and 08.07.2022 is concerned, it is ordered that officers belonging to petitioner Associations will not be forced to do election duty.

Respondents are granted one week's time to file their return.

List the matter after filing of return.

C.C today.

mms  
vkt



**(VISHAL DHAGAT)**  
**JUDGE**