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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6802 of 2007**

Keshav Prasad Sharma s/o Meghraj Sharma, aged 60 years, Sub Engineer (E&M) E&M Office, Executive Engineer, Electrical Engineering Heavy Plant Division, Rudri, District Dhamtari, Chattisgarh.

---- Petitioner**Versus**

The State of Chhattisgarh, Through-

1. Secretary, Water Resources Department, Government of Chhattisgarh, Dau Kalyan Singh Bhawan, Raipur, Chhattisgarh.
2. Engineer-in-Chief, Water Resources Department, Sihawa Bhawan, Raipur, Chhattisgarh.
3. Chief Engineer, Mahanadi Reservoir Project, Electrical Engineer Heavy Plant Division, Raipur, Chhattisgarh.

---- Respondents

For Appellants	: Shri Shashi Kushwaha, Advocate.
For Respondents	: Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****14/12/2015**

1. Heard Learned Counsel for the Petitioner and the Respondents.
2. Learned Counsel for the Petitioner submits that he was appointed on 21.7.1973. On 14.12.1978, he was appointed as Sub-Engineer and has been working as a regular Sub-Engineer from 28.2.1978 but his services from 26.7.1973 is not being taken into consideration for the purposes of seniority.
3. The counter-affidavit by Respondents in paragraph 9 states that the Petitioner was not appointed against a clear and sanctioned vacant post. The appointment was as a work charged contingency employee. Thereafter, on the recommendation of the Departmental Selection Committee, he was given the status of a permanent Sub-Engineer from 28.2.1979 and therefore the question of granting of seniority as a permanent employee from 26.7.1973 does not arise. There is no rejoinder to the counter-affidavit.
4. The writ petition is dismissed in view of the statement made in the counter-affidavit.

Sd/-
(Navin Sinha)
CHIEF JUSTICE