

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No.777/2010

1. Krishna Ram Nishad, S/o Late Banau Ram Nisad, aged about 44 years.

2. Shobit Ram, s/o Late Ram Bagas Ram, age 38 years.

R/o Village Machandur, P.S. Utai, Tehsil & District Durg (CG)

Petitioners

1. State of Chhattisgarh through Secretary, Revenue Department, DKS Bhavan, Mantralay, Raipur, Chhattisgarh.

2. Board of Revenue, Chhattisgarh, Bilaspur (CG)

3. Additional Commissioner, Revenue Raipur Division, Chhattisgarh

4. Collector, Durg, Chhattisgarh

5. Tehsildar, Durg, Chhattisgarh

6. Ishwari Das, S/o Late Buddhu Das, aged about 42 years.

7. Komal Das, S/o Late Buddhu Das, aged about 45 years.

Both residents of village Manchadur, P.S. Utai, Tehsil & District Durg (CG)

Respondents

For the petitioners:	Shri Uttam Pandey, Advocate.
For respondents No.1, 3,4 & 5:	Shri Gary Mukhopadhyay, Dy. Govt. Advocate
For the respondents No.6 & 7:	Shri Ashutosh Ghade, Advocate.

SB: Hon'ble Shri Justice Pritinker Diwaker

Order on Board

14.07.2015

1. The petitioners were temporarily appointed as Kotwar of village Machandur, District Durg on 18.3.1998 after termination of the respondents No.6 & 7 from the said post. However, vide order dated

1.4.2008 the Board of Revenue has set aside the termination order of respondents No.6 & 7 and therefore the petitioners have been removed from the post of Kotwar on the ground that they were occupying said post as stop-gap arrangement and once the private respondents have succeeded before the Board of Revenue, the petitioners have to make place for them.

2. Learned counsel for the petitioners submit that he is not pressing this petition on merits and would confine his arguments to issuance of a direction to the respondent authorities to consider case of the petitioners for any fresh appointment for any other village if the petitioners are found suitable otherwise. He further submits that if the petitioners' case is not considered sympathetically, their ten years service would go waste and as now the petitioners have already crossed age limit prescribed for obtaining any government employment, they would suffer irreparable loss.
3. Learned counsel appearing for the respondents No.6 & 7 submits that the petitioners cannot be appointed against the post of respondents No.6 & 7, however, he has no objection if the State Government is willing to appoint them against any other post.
4. Learned counsel for the State submits that in the petition the petitioners have neither claimed relief of considering their names against some other post nor challenged their order of removal and as such they have no right to seek any direction from this Court for consideration of their case for being appointed as Kotwar against any vacancy.
5. Be that as it may, as the petitioners want to withdraw this petition, they are permitted to do so and the petition is accordingly dismissed as

withdrawn.

6. In case the petitioners file any application seeking fresh appointment as Kotwar for some other place, it would be for the State Government to consider and decide their case in accordance with law. It is made clear that this Court has observed nothing on merits and it would be for the competent authority to act strictly in accordance with law.

Sd/-
(Pritinker Diwaker)
Judge

roshan