

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1882 of 2014

- Hridayshankar Bharadwaj S/o Shri Dwarika Prasad Aged About 29 Years R/o Village Balodi, P.S. Palari, Post Office Balodi, Distt. Balodabazaar, Bhatapara C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat, New Mantralaya, Mahanadi Bhawan New Raipur Distt. Raipur C.G.
2. Commissioner, Bastar Division District Jagdalpur C.G.
3. Collector and District Programme Coordinator, Distt. Sukma C.G.
4. Collector and District Programme Coordinator, Distt.Dantewada C.G.
5. Chief Executive Officer Janpad Panchayat Konta, Distt. Sukma C.G.

---- Respondent

For Petitioner	Mr. Pawan Kesharwani, Advocate
For Respondent/State	Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

8/9/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner would call in question the order dated 01.03.2014, whereby, the Collector-cum-District Programme Officer, MGNREGA District South Bastar, Dantewada, has refused to extend/renew the petitioner's contract appointment. The petitioner was appointed as

Programme Officer under MGNREGA for Konta Block of Dantewada District on 05.02.2010. The contract appointment was continued for each succeeding year till the impugned order was passed. Such yearly renewal was based on the performance appraisal of the petitioner's work in the previous year.

(3) It appears that some complaint was made against the petitioner for which the statement of the witnesses were recorded and thereafter, it was found that the petitioner is not performing well and is negligent in attending duties.

(4) There is no interim order in this writ petition. In the meanwhile, one Lokesh Kumar Baghel has been appointed as Programme Officer vide order dated 12.06.2014 (Annexure R/4). The petitioner has not arrayed the said new incumbent in this writ petition. Even otherwise also, the petitioner being a contract employee has no right to hold the post as it is stated in the return that in the year 2013-14, the petitioner's performance was not to the mark, therefore, the contract appointment was not continued.

(5) At this stage, Mr. Kesharwani, learned counsel for the petitioner would submit that there are observations in the impugned order which amount to causing stigma on the petitioner and may affect his future employment.

(6) Mr. Shashank Thakur and Mr. Arvind Dubey, learned counsel for the State, would submit that the observation about the petitioner's performance and negligence in duties were made only for the purpose of consideration of his continuation as contract appointee, but the same does not amount to stigma. They would submit that since in the

impugned order there is no stipulation that the petitioner is either removed or dismissed from service but the order only speaks about his non-continuation as contract appointee, any observation regarding his conduct would relate to the petitioner's services as contract appointee under the MGNREGA scheme and not for any other purpose what so ever in future.

(7) The above statement made by learned counsel for the State is recorded.

(8) For the foregoing, since the petitioner has no right to remain a contract appointee despite refusal by the respondents to extend his services, no case for interference is made out.

(9) The writ petition deserves to be and is hereby dismissed subject, however, to the recording of the statement of learned counsel for the State as above.

Sd/-

Judge

(Prashant Kumar Mishra)

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