

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2361 of 2015**

- Smt. Laxmi Sahu Aged- Years, S/o Shri Kanwar Lal Sahu R/O Kaurinbhatha, Ward No. 45, Rajnandgaon, District Rajnandgaon (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh Through Its Secretary, Department Of Agriculture, Mantralay, Mahanadi Bhawan, Naya Raipur
2. The Director, Department of Agriculture, State of Chhattisgarh, Indrawati Bhawan, Raipur
3. The Collector Cum Chairman "ATMA" (G.B.), Rajnandgaon.

---- Respondents

For Petitioner	:	Shri RK Kesharwani, Advocate
For Respondents/State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****02/07/2015**

1. Petitioner is aggrieved by the order Annexure P-1, whereby the Collector-cum-Chairman "ATMA" (GB), Rajnandgaon, has refused to extend petitioner's contract appointment as Accountant-cum-Clerk, for which she was appointed on 29-6-2013.
2. Admittedly, the appointment order contains condition No.6 mentioning that the appointment is extendable if the performance of the appointee is found satisfactory. The impugned order has clearly mentioned that since petitioner's performance is not satisfactory, her appointment is not

extended.

3. The argument raised by learned counsel for the petitioner that the said observation in the order is stigmatic is not convincing, inasmuch as, once the appointing authority decides not to continue the contract appointment for further period, he is obligated to write about petitioner's performance, failing which the order would be branded as suffering with non-application of mind. It is also argued that by moving a representation, the petitioner has explained the circumstances which compelled her to take maternity leave during the contract period. This Court cannot appreciate such reasoning because the same has to be appreciated by the appointing authority. The satisfaction of the appointing authority is paramount for extension of the contract appointment. It is settled law that a contract appointee has no right to hold the post after the term of appointment is over.
4. It is also argued that the petitioner has not been paid salary for the last five months. The petitioner would be at liberty to make a representation claiming salary for the period during which the appointing authority has obtained work from her but the salary is not paid. If such representation is made within 15 days from today, the competent authority shall decide petitioner's entitlement to salary, in accordance with law, within a further period of four weeks.
5. Accordingly, the writ petition is disposed of.

Sd/-

JUDGE

Prashant Kumar Mishra

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