

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2795 of 2013

- Smt. Neeta Kajve W/o Shri Santosh Kajve Aged About 48 years R/o L.I.G. 1425, Veer Sarwarkar Nagar, Heerapur, Tahsil & Distt. Raipur (C.G.) P.S. Aama Naka, Civil & Revenue Distt. Raipur (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of General Administration, DKS Bhawan Mantralauya Raipur (C.G.)
2. Collector Raipur, District Raipur (C.G.)
3. Commissioner & Chief Census Officer Municipal Corporation, Raipur District Raipur (C.G.)
4. Collector Bilaspur District Bilaspur (C.G.)

---- Respondents

And

WPS No. 2796 Of 2013

- Smt. Tarni Verma W/o Shri Krishna Kumar Verma Aged About 39 years R/o Near Sakti Jewellers Ward No. 26, Veergaon, District Raipur (C.G.) P.S Urla, Civil & Revenue Distt. Raipur (C.G.)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary Department Of General Administration DKS Bhawan, Mantralaya Raipur (C.G.)
2. Collector Raipur, District Raipur (C.G.)
3. Commissioner & Chief Census Officer Municipal Corporation, Raipur District Raipur (C.G.)
4. Collector Bilaspur District Bilaspur (C.G.)

---- Respondents

For Petitioners : Shri Sushobhit Singh, Advocate.

For Respondents 1, 2 & 4 : Shri Bhaskar Pyasi, Panel Lawyer.

For Respondent No.3 : Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

C A V Order

Passed on :20/07/2015

1. The petitioners are working as Aangan Badi Workers in the Municipal Corporation, Raipur. They have preferred these writ petitions seeking quashment of the order dated 11.7.2013 passed by the Collector, Raipur rejecting their representations for absorption/regularization in terms of the State Government's circular dated 16.1.2007.
2. Petitioner Smt. Neeta Kajve had earlier preferred WPS No.1378/2011 whereas petitioner Smt. Tarni Verma had earlier preferred WPS No.530/2013. In the said writ petitions, they had claimed that since they have earlier worked as Enumerator in the Census for the year 2000-01, they are entitled for consideration of their case for appointment in the Government service in view of the circular dated 16.1.2007. The said writ petitions were disposed of with a direction to the concerned Collector for consideration of their cases in accordance with the said circular dated 16.1.2007.
3. The concerned Collector has rejected the representations on the ground that the petitioners were working as Aangan Badi Workers whereas as per the said circular dated 16.1.2007, only such employees shall be granted preference in regular appointment who were specially appointed temporarily for Census work, provided they are enlisted as surplus employees. Since the present petitioners were not specially appointed for Census work but they were engaged as Enumerator while they were

still working as Aangan Badi Workers in the Municipal Corporation, they are not entitled to the benefit of circular dated 16.1.2007.

4. Perusal of the circular dated 16.1.2007 (Annexure-P/3) would make it apparent that the State has decided to grant regular appointment to the Census employees provided they were specially engaged for Census work and that a list of such employees be prepared on the basis of seniority in appointment. The circular nowhere mentions that employees of other department who were already in service but were engaged for Census work would also be considered for regular appointment. Thus, the petitioners, who are already working as Aangan Badi Workers, were not entitled to the benefit of circular dated 16.1.2007 and the Collector has not committed any irregularity or illegality in rejecting their representations.
5. Even otherwise, any claim for appointment/absorption/regularization dehors the constitutional scheme of appointment is contrary to the principles laid down by the Supreme Court in the matter of **Secretary, State of Karnataka Vs. Uma Devi (3) & others**¹.
6. For the foregoing, both the writ petitions have no substance, they deserve to be and are hereby dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve

¹(2006) 4 SCC 1