

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3084 of 2014**

Ravindra Kumar S/o Shri Rajkishore Prasad Aged About 40 Years R/o Baigin Dabhar, Rampur, Korba, Qtr. No. 580 -A, Thana Rampur Chowki Po Tahsil & Distt. Korba C.G.

---- **Petitioner**

Versus

1. State Of Chhattisgarh through The Secretary, Department Of Revenue, Secretariat Maha Nadi Bhawan, Raipur C.G.
2. Collector Korba, Distt Korba, Cg
3. Sub Divisional Officer (Revenue) Korba, Distt Korba, Cg
4. Tahsildar Kartala, Distt Korba, Cg
5. Tahsildar Barpali, Distt Korba, Cg
6. Suresh Kumar Jaiswal S/o Lt Shri Sant Lal Jaiswal Aged About 51 Years Working As Assistant Grade-Ii, Collectorate, Korba, Po, Ps & Distt Korba, Cg

---- **Respondents**

For Petitioners:	Shri Sanjay Patel, Advocate.
For Respondents/State:	Shri B. Gopa Kumar, Deputy Advocate General.
For Respondent No.6:	Shri SRJ Jaiswal, Advocate

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

4.11.2015

The grievance of the Petitioner through the present writ petition is against the inaction on part of the Respondents in discontinuing the services of the Petitioner on the post of Assistant Grade – III at the office of Tahsildar, Kartala since October, 2012.

2. The facts of the case in nut-shell are that the Petitioner is said to have been appointed in the year 1996 and continued to work as Assistant Grade – III at the office of Tahsildar, Kartala continuously since 16.10.2012, from where abruptly, his services have been discontinued. So far as the period 1996 to 2005 is concerned, undoubtedly, the Petitioner had not been given any salary by

the Respondents for the period which he claimed to have worked with the Respondents. In W.P.(S) No.2319/2013, it has been categorically held that the claim for salary from 1996 to 2005 for the alleged employment of the Petitioner during 1996 to 2005 was misconceived and was on basis of false, fabricated and fake documents and the Petitioner has not been granted any relief for the said period. Further, it is an admitted position that the status of the Petitioner as per the Petitioner himself was that of a daily wage worker working at Collector rate and that the daily wage worker would not have any indefeasible right in his favour for getting the regular employment with the Respondents as the daily wage worker is engaged only in accordance with the availability of work as and when required and that he cannot seek for a direction to the Respondents to continuously permit him to work with the Respondents as a daily wage worker. Such a relief sought for by the Petitioner again is not tenable.

3. The Petitioner who claims himself to have been worked on the post of Assistant Grade – III on daily wage basis, admittedly was not appointed in accordance with the rules applicable in the Department nor can his appointment be said to be an irregular appointment or an appointment made under the constitutional scheme framed by the Government.

4. In the absence of the same, this Court would not be in a position to exercise its extraordinary powers under Article 226 of the Constitution for granting relief of direction to the Respondents to provide continuous employment to the Petitioner.

5. Considering the facts and circumstances of the case, the Writ Petition being devoid of merits, the same is accordingly rejected.

6. Needless to mention that this order cannot preclude the Petitioner from

approaching the Collector seeking for re-engagement by the Respondents.

Sd/-
(P. Sam Koshy
J U D G E

Priya