

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 231 of 2015

1. Dilip Mahanandaya S/o Sahdev Aged About 28 years R/o Talapara, Qtr. No. 16, Bilaspur, Tahsil & District Bilaspur C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration Mantralaya Mahanadi Bhawan New Raipur, Dist. Raipur C.G.
2. Municipal Corporation Through Commissioner Municipal Corporation, Bilaspur C.G.
3. Health Officer Municipal Corporation Bilaspur C.G.

---- Respondent

For Petitioner	Shri Ajay Shrivastava, Advocate
For Respondent/State	Shri Shashank Tahkur, Govt. Advocate
For Respondents No.2&3	Shri Mateen Siddiqui, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

08/07/2015

Heard learned counsel for the parties.

1. Petitioner's father namely; Sahdev was in the services of Municipal Corporation, Bilaspur, as Sweeper (Safai Karmachari). On the strength of State Government's circular dated 3-4-2000 he sought retirement on the ground of medical unfitness/invalidity. The same

circular provided that an eligible dependent of the person, who is retired on the ground of being medically unfit, would be entitled for appointment. The petitioner moved application for such appointment, however, the said application has been rejected by the impugned order on the ground that the earlier order dated 3-4-2000 has been withdrawn/cancelled by the State Government, therefore, the facility of appointment cannot be extended to the petitioner.

2. Learned counsel for the petitioner would place before this Court a copy of the order dated 1-12-2005 passed in WP No.768 of 2002 wherein several such appointees who were appointed by the Municipal Corporation, Durg, on the basis of order dated 3-4-2000 were later on removed when the said order was cancelled by the State Government. He would submit that those employees were subsequently reinstated in service.
3. At this juncture, learned counsel for the respondents No.2 & 3 would submit that in the event this Court directs, the respondent No.2 would consider the matter afresh.
4. Considering the aforesaid facts and circumstances of the case and particularly the order passed by this Court in WP No.768 of 2002, the writ petition is disposed of with a direction that in the event petitioner prefers fresh representation before the respondent No.2 on the strength of the order passed in WP No.768 of 2002, the respondent No.2 shall consider and decide the petitioner's case afresh without

being influenced by the impugned order. The respondent No.2 shall pass final orders in the matter as early as possible preferably within a period of two months from the date of submission of representation by the petitioner.

5. No order as to costs.

Sd/-

Judge

Prashant Kumar Mishra

Gowri