

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3192 of 2015

- Vishwanath Swarnkar S/o Late Keshoram Swarnkar, Aged About 61 Years R/o Dr. Dheer's Gali, Shivaji Marg, Mannu Chowk, Tikrapara, Bilaspur (C.G.)

Civil & Revenue District Bilaspur

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Transport Department, Secretariat, Mahanadi Bhawan, Naya Raipur, District Raipur. (Chhattisgarh)
2. Secretary, Finance Department, Secretariat, Mahanadi Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
3. Secretary, Deptt. Of General Administration Department, Secretariat, Mahanadi Bhawan, Naya Raipur, District Raipur. (Chhattisgarh)
4. Chhattisgarh Infrastructure Development Corporation, Through Its Managing Director, Shastri Chowk, Raipur. (Chhattisgarh)
5. Secretary, Law & Legislative Department, Secretariat, Mahanadi Bhawan, Naya Raipur. (Chhattisgarh)

---- Respondents

For Petitioner
For Respondent /State

Mr. D.C. Verma, Advocate
Mr. Shashank Thakur, Government
Advocate

S.B.: Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

1/9/2015

Heard.

(2) Learned counsel for the petitioner would submit that the petitioner was working in erstwhile M.P.S.R.T.C., however after creation of the

State of Chhattisgarh a separate Road Transport Corporation has not been constituted in the State of Chhattisgarh, therefore, his service was placed in the control of respondent/Chhattisgarh Infrastructure Development Corporation (for short 'C.I.D.C.'). He would further submit that the State Government has issued number of circulars deciding to absorb services of the employees working in the erstwhile M.P.S.R.T.C in various Corporation/Mandals in the State of Chhattisgarh and in furtherance of the said policy, several employees have already been absorbed and the case of the petitioner was also recommended, however, the decision has not yet been taken and the petitioner is losing seniority, pay scale etc.

(2) Learned counsel would further submit that for the present, the petitioner would confine his prayer for issuance of direction to the respondents to take a decision on the representation pending before the said authority. He is restricting his prayer in view of the order passed by this Court in the matters of **O.P. Singh Vs. State of Chhattisgarh & others¹**, **Abdul Hakim Vs. State of Chhattisgarh & others²**, **Uttam Kumar Sharma Vs. State of Chhattisgarh & others³**, **Raju Pandey & others Vs. The State of Chhattisgarh & others⁴**, **Nandkumar Vaishnav & others Vs. The State of Chhattisgarh & others⁵** and **Chandrayan Singh Thakur & others Vs. The State of Chhattisgarh & others⁶**.

(3) In view of the above, the writ petition is disposed of with a direction that in the event petitioner submits a fresh representation before the concerned respondent within a period of four weeks, the said

1 WP (S) No.5521/2010

2 WP (S) No.473/2013

3 WP (S) No.476/2013

4 WP (S) No.1220/2013

5 WP (S) No.1458/2013

6 WP (S) No.2128/2013

authority shall consider and decide petitioner's representation in an objective manner keeping in view the circular issued by the State Government from time to time, as also the orders of absorption passed with respect to the similarly placed employees, as early as possible, preferably within a period of three months from the date of submission of representation.

(4) It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

(5) With the above observation, the writ petition is finally disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)

Shyna