

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3687 of 2015

- Awadh Bihari Tiwari S/o Shri Sunder Lal Tiwari, Aged About 52 Years
R/o Near State Bank, Main Road Pamgarh, District Janjgir Champa
(Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Urban Administration
And Development Department, Mantralaya, Mahanadi Bhawan, Naya
Raipur, District Raipur (Chhattisgarh),
2. The Secretary, General Administration, Department, Mantralaya,
Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh),
3. The Secretary, Transport Department, Mantralaya, Mahanadi Bhawan,
Naya Raipur, District Raipur (Chhattisgarh),
4. The Director, Directorate Urban Administration And Development
Department, Directorate Indravati Bhawan, Raipur, District Raipur
(Chhattisgarh)
5. Chhattisgarh Infrastructure, Development Corporation Through
Managing Director, C. I. D. C. Shashtri Chowk, Raipur, District Raipur
(Chhattisgarh)
6. Chief Municipal Officer, Nagar Palika Council Akaltara, District Janjgir
Champa (Chhattisgarh)

---- Respondents

For Petitioner	Shri K.P.S. Gandhi, Advocate
For Respondent/State	Shri S. Majid Ali, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

12/10/2015

1. 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 services were 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 representations 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, the 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