

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.211 of 2015**

- Shyamlal Nirmalkar, S/o Late Puniram Nirmalkar, aged about 59 years, R/o Ideal Industrial Training of Institute Centre, Koni, Bilaspur, District Bilaspur (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. The Director, Employment and Training Department, Indravati Bhawan, Block No.4, 1st Floor, Naya Raipur, District Raipur (CG)
3. The Principal, Ideal Industrial Training Institute, Koni, Bilaspur, District Bilaspur (CG)
4. Chhattisgarh Infrastructure Development Corporation Ltd., (Transport Department) Divisional Office, Bilaspur, District Bilaspur (CG)

---- Respondent

For Petitioner : Shri HP Agrawal, Advocate.
 For Respondent/State : Shri PK Bhaduri, Govt. Advocate.
 For Respondent No.4 : Shri Prateek Sharma, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****16/09/2015**

1. The petitioner has preferred this writ petition under Article 226 of the Constitution of India seeking direction to the respondents to continue his service as Training Officer (Carpenter) in the establishment of ITI, Koni, Bilaspur and for payment of salary from August, 2014 onwards

till date.

2. The petitioner was working as Carpenter in the erstwhile MP State Road Transport Corporation (MPSRTC). On creation of the State of Chhattisgarh, the Road Transport Corporation was not constituted in the State, therefore, all such employees who were working in the erstwhile MPSRTC and were posted within the territorial jurisdiction of the successor State of Chhattisgarh were placed under the control of CIDC. It is not disputed that the State Government has taken a policy decision to absorb the services of such employees working in various Boards/Corporations in the State.
3. By order dated 21.8.2014 the petitioner was sent on deputation to the ITI, Koni, however, ITI, Koni refused to allow him to join on the ground that for the post of Training Officer (Carpenter), required educational qualification is 10th standard pass whereas the petitioner being only 8th standard pass is not eligible to hold the post.
4. Learned counsel for the petitioner would refer to the order passed by the Division Bench of this Court in Writ Appeal No.87/2007 {**Narendra Kumar Dubey Vs. C.G. Adhosanrachana Vikas Nigam & one another**} to contend that the respondents should decide the petitioner's place of posting/duty and pay salary to the petitioner because for want of salary the petitioner is suffering hardship.
5. Considering the nature of dispute, it would be appropriate if respondent

No.4 decides the matters about the petitioner's posting/deputation and salary in consultation with respondent No.3 and while making such consultation, both the respondents shall have due regard to the circulars issued by the State Government on 29.7.2003 (Annexure-P/8) and 20.4.2010 which finds reference in Annexure-P/2. Let a decision be taken by passing a speaking order within a period of 2 months from the date of submission of certified copy of this order before respondent No.4 with a copy to respondent No.3. Ordered accordingly.

6. With the aforesaid observations and directions, the writ petition stands disposed of.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve