

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 22 of 2004**

Ambika Prasad Tiwari, S/o. Late Shri Ramsujan Tiwari, aged about 37 years, R/o. Near Primary School, Kundarapara, Gudhiyari, Raipur, Tahsil & Distt. Raipur (C.G.)

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through its Principal Secretary, Department of Home Affairs, State Secretariat, DKS Bhawan, Raipur (C.G.)
2. Supdt. Of Jail, Central Jail, Raipur (C.G.)

---- **Respondents**

For Petitioner : Mr. Barun Kumar Chakraborty, Advocate.
 For Respondents : Mr. Dhiraj Kumar Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****09/11/2016**

Heard.

(1) The petitioner was appointed on the post of Jail Warden by Jail Superintendent, Central Jail, Raipur vide order dated 18.8.1989 but he was not given joining on the said post holding that construction of new jail has not been completed and as soon as the construction of jail will be completed, he will be given joining on the said post. Thereafter, the petitioner filed writ petition bearing W.P. No. 912/2002 before this Court seeking direction for his posting.

(2) This Court by order dated 11.08.2003 disposed of above writ petition directing the Superintendent of Police, Central jail, Raipur to

consider and dispose of the petitioner's representation. That was considered and by order dated 09.09.2003, it was informed that select list has already been terminated by order dated 04.09.1990. Thereafter, the petitioner filed this writ petition only on 03.12.2003 claiming writ for issuance of posting order and to accept his joining on the post of Jail Warden.

(3) Learned counsel appearing for the petitioner would submit that the petitioner has duly been selected on the post of jail warden but the posting has not been given to him; the representation filed by him has wrongly been rejected by order dated 09.09.2003 in which there is no reason assigned for not giving the posting to the petitioner and therefore, writ be issued in favour of the petitioner directing the respondent authorities to accept the joining of the petitioner.

(4) On the other hand, learned counsel for the State would submit that validity of the panel of the selected candidates has already been terminated with effect from 28.08.1990 by order dated 04.09.1990 vide Annexure R-1 and the petitioner has been served with the copy of that order alongwith return on 20.02.2006, that order has attained finality as the same has not been challenged by the petitioner and therefore, the petitioner is not entitled for the posting on the post of Jail Warden.

(5) I have heard learned counsel appearing for the parties and perused the order impugned with utmost circumspection.

(6) Fact remains that validity of select list has been terminated with effect from 28.8.1990. The petitioner was selected but he was not given joining by the Authority concerned holding that construction of

new jail has not been completed and as soon as the jail construction will be completed. The petitioner has simply sought relief that Authority concerned be directed to appoint the petitioner but since the validity of select list has been terminated on 4.9.90 and it has been informed to the petitioner on 20.02.2006 and that order has attained finality as the same has not been challenged by the petitioner. Even otherwise validity of select list expired on 4.9.1990 and writ petition filed thereafter belatedly, no writ can be issued in favour of petitioner for accepting his joining.

(7) Accordingly, the writ petition is liable to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-