

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1300 of 2016

Amit Kumar Verma S/o Shri Sohanlal Verma, Aged About 28 Years Occupation
Center Assistant, Center Lohansingh, R/o Kelo Vihar Colony, Raigarh Tah. &
District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Khadya Nagarik Apoorti And
Consumer Department, Mantralay, New Raipur Chhattisgarh
2. Managing Director, C.G. Rajya Sahakari Vipan Singh, Maryadit, Raipur
Chhattisgarh
3. District Marketing Officer, District Raigarh Chhattisgarh

---- Respondents

Present: Shri Amit Kumar Sharma, counsel for the petitioner.
None for respondent No.1.
Shri Harshal Chauhan, counsel for respondents No. 2 & 3.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/07/2016

1. The petitioner has filed this petition aggrieved on account of the fact that he is not being allowed to join and work though his contractual appointment is for a period from 11th January, 2016 to 30th September, 2016. Learned counsel for the petitioner submits that the petitioner was appointed on contract basis as Centre Assistant vide order dated 11.1.2016. The petitioner joined his services but unfortunately he fell sick, therefore, he could not work for the period from 16.1.2016 to 1.3.2016 as he was suffering from jaundice. After he became fit, he along with medical certificate submitted his joining on 3.3.2016 in the office, but, thereafter, he is not being allowed to work nor salary is being paid.

2. Learned counsel appearing for the respondents firstly submits that the petitioner has an alternative remedy of raising a dispute under Section 55 (2) of the Cooperative Societies Act, 1960 (for short "*the Act of 1960*") before the competent authority as it is a service dispute between an employee and the Society.

The other submission is that the petitioner was under a contractual employment and he remained absent from his duty for 2 ½ months. He also submits that as per clause 6 of the appointment order dated 16.5.2013, if the work is found unsatisfactory then the services are liable to be terminated.

3. In this case, respondents have not come out with any order terminating services of the petitioner. That means the petitioner is in service. According to the period of contractual appointment, the petitioner is to continue in service till 30th September, 2016. Therefore, in these circumstances, the joining of the petitioner cannot be denied. He should be allowed to join and paid salary.
4. The objection to the maintainability of the petition on the ground of alternative remedy, in peculiar circumstances of the present case where the facts are not in dispute, is overruled.
5. The petition is accordingly finally disposed off with the direction as above.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge