

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.345 of 2016**

1. Parasram Sengar, son of Shri Lakhpat Singh Sengar, age 32 years, Constable, resident of M.D.-241 Veersavarkar Nagar, Hirapur, Raipur, Revenue and Civil District Raipur, Chhattisgarh
2. Dinesh Singh Tomar, son of Shri Badrisingh Tomar, age 31 years, Constable, resident of at present 12th Battalion, Chhattisgarh Armed Forces, Ramanujganj, Revenue and Civil District Surguja, Chhattisgarh
3. Hasanulla Khan, son of Shri Barkatulla Khan, age 36 years, Constable, resident of at present 12th Battalion, Chhattisgarh Armed Forces, Ramanujganj, Revenue and Civil District Surguja, Chhattisgarh

---- Appellants**versus**

State of Chhattisgarh through –

1. Secretary, Home/Police Department, Government of Chhattisgarh, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Director General of Police, Police Headquarters, Naya Raipur, District Raipur, Chhattisgarh
3. Additional Director General of Police, Chhattisgarh Armed Forces, Police Headquarters, Naya Raipur, District Raipur, Chhattisgarh
4. Inspector General of Police, Chhattisgarh Armed Forces – 1, Police Headquarters, Naya Raipur, District Raipur, Chhattisgarh

---- Respondents

For Appellants	:	Shri Rajendra Kumar Patel, Advocate
For Respondents/State	:	Shri Vinod Deshmukh, Deputy Government Advocate

Hon'ble Shri Deepak Gupta, Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Order on Board****Per Deepak Gupta, Chief Justice****24.8.2016**

1. This appeal is directed against judgment dated 17.6.2016 passed by the Learned Single Judge of this Court in Writ Petition (S) No.2190 of 2016, whereby the Learned Single Judge has rejected the writ petition.
2. Admittedly, the Petitioners/Appellants have been recruited as Constables (General Duty). The case of the Petitioners/Appellants is that though they were recruited as Constables (General Duty), they have been asked to work as Drivers for almost 4 years. After the year

2015, they have been sent back to the substantive post of Constables (General Duty). Their prayer is that they may be absorbed as Constables (Driver).

3. The Learned Single Judge has rightly rejected the writ petition. The Court cannot direct that a person should be recruited as a Driver without holding any test, without following any recruitment process. The Petitioners/Appellants were recruited as Constables (General Duty) and even if they have been asked to work as Drivers, that gives them no vested right to be absorbed on the post of Constables (Driver). The Petitioners/Appellants, even if have any right with regard to salary for the period they worked as Constables (Driver), they can raise this issue in accordance with law, but they definitely cannot claim for their absorption on the post of Constables (Driver).
4. Therefore, we find no merit in this appeal. The appeal is accordingly dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE