

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 681 of 2016**

1. Pawan Kumar Agrawal S/o Late Tarachand Agrawal, Aged About 40 Years Presently Posted As Civil Judge Class-Ii, Keshkaal, District- Kondagaon, (Chhattisgarh).
2. Pankaj Dixit, S/o Shri N.D. Dixit, Aged About 44 Years Presently Posted As Civil Judge Class-II, Pithoura, District- Mahasamund, (CG).

---- Petitioners**Versus**

1. Government Of Chhattisgarh Through Its Principal Secretary, Department Of Law And Legislative Affairs, Mantralaya, Mahanadi Bhawan, Naya Raipur, (Chhattisgarh).
2. Chhattisgarh State Public Service Commission, Through Its Secretary, Shankar Nagar, Raipur, (Chhattisgarh)
3. The High Court Of Chhattisgarh, Through Its Registrar General, High Court Of Chhattisgarh, Bodri, Bilaspur, (Chhattisgarh).
4. Ku. Madhu Mishra, Now Smt. Madhu Tiwari, W/o Shri Sanjeev Tiwari, Presently Posted As Additional District And Session Judge, Gariyaband, District- Gariyaband, (Chhattisgarh).
5. Ku. Garima Arya, Now Smt. Garima Sharma, D/o Late R.D. Arya, Presently Posted As Ist Additional District And Session Judge, Raigarh, District- Raigarh, (Chhattisgarh).

Respondents

For Appellant : Shri Mukesh Nigam, Advocate.
 For Respondent/State : Shri Adhiraj Surana, Dy. Govt. Adv.
 For other respondents : Not noticed.

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Chandra Bhushan Bajpai

ORAL ORDER**Per Chandra Bhushan Bajpai, J****28/09/2016**

1. Heard on motion.
2. By filing instant MCC, the petitioners have prayed that observation made by this Court in para 16 of the order dated 2-5-2012 passed in Writ Petition No. 1827/2004 be clarified.
3. Learned counsel for the petitioners submits that the specific finding recorded in para 13 and para 15 is relevant in the matter.

It is further prayed that the petitioners had preferred a representation and vide order dated 24-6-2016, the representation submitted by the petitioner was rejected in the light of operative part of the order.

4. Perused the impugned order dated 2-5-2012, the grounds taken in the MCC and other documents annexed with the writ petition.
5. In the instant MCC, petitioners have not challenged the order dated 24-6-2016 whereby their representation was rejected. Petitioners have only prayed for clarification of the operative part of the order made in para 16 of the order dated 2-5-2012.
6. This Court in para 16 of the order dated 2-5-2012 directed as under:-

“Thus, in the totality of the facts and circumstances of the case, we deem it appropriate to direct respondent No. 1 to appoint the petitioners, subject to fulfillment of necessary formalities like police verification etc, against the available vacancies for the post of Civil Judge (Junior Division). The seniority of the petitioners will, however, be reckoned from the date of their appointment.”

7. On going through the above direction, we do not see any scope for clarification in the said order as it does not suffer from any ambiguity.
8. Consequently the instant MCC praying for clarification in the operative part of the order dated 2-5-2012 is dismissed summarily at the motion stage itself.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(Chandra Bhushan Bajpai)
Judge