

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6578 of 2016

1. Bigan Ram S/o Shri Manfer Aged About 36 Years Part Time Sweeper Govt. Middle School Darripara Bhaiyathan R/o Village- Darripara P.S. & Tahsil- Bhaiyathan Distt- Surajpur, (Chhattisgarh).
2. Kalika Prasad S/o Dhansai Aged About 31 Years Part Time Sweeper Govt. Primary School Rajani Block- Bhaiyathan R/o Village- Rajani P.S. & Tahsil Bhaiyathan Distt- Surajpur, (Chhattisgarh).
3. Dinendra Pratap Singh S/o Dwarika Pratap Singh Aged About 39 Years Part Time Sweeper Govt. Primary School Kenapara Karkoti Block- Bhaiyathan R/o Village- Kenapara Karkoti P.S. & Tahsil Bhaiyathan Distt- Surajpur, (Chhattisgarh).
4. Hiralal Yadav S/o Dhansai Yadav Aged About 39 Years Part Time Sweeper Govt. Primary School Kundpani R/o Village- Rajani P.S. & Tahsil Bhaiyathan Distt- Surajpur, (Chhattisgarh).
5. Smt. Sunita Sahu W/o Shri Bharatlal Aged About 31 Years Part Time Sweeper Govt. Middle School Barapara R/o Village- Sonpur P.S. & Tahsil Bhaiyathan Distt- Surajpur, (Chhattisgarh).
6. Smt. Urmila W/o Shivnarayan Aged About 33 Years Part Time Sweeper Middle School Maisara R/o Village- Maisara P.S. & Tahsil Bhaiyathan Distt- Surajpur, (Chhattisgarh).
7. Smt. Manmati Sahu W/o Ramsagar Sahu Aged About 35 Years Part Time Sweeper Govt. Primary School Miyapara But The Said School Was Close And Merge In The Govt. Primary School Jur R/o Village- Jur P.S. & Tahsil Surajpur Distt- Surajpur, (Chhattisgarh).
8. Smt. Urmila Rajwade W/o Rasram Rajwade Aged About 33 Years Part Time Sweeper Govt. Primary School Baherapara Block- Surajpur R/o Village- Basdai P.S. & Tahsil- Surajpur Distt- Surajpur, (Chhattisgarh).
9. Bhole Nath Singh S/o Jugsai Aged About 29 Years Part Time Sweeper Tribal Govt. Primary School Harraparaa Jhansi P.S. & Tahsil Surajpur Distt- Surajpur, (Chhattisgarh).

---- Petitioners

Versus

1. State Of Chhattisgarh Through- The Secretary, Department Of Tribal Development Mahanadi Bhawan New Raipur Distt- Raipur,

(Chhattisgarh).

2. The Commissioner, Tribal Development Indrawati Bhawan New Raipur Distt- Raipur, (Chhattisgarh).
3. The Collector, Surajpur Distt- Surajpur, (Chhattisgarh).
4. The Assistant Commissioner, Tribal Development Surajpur Distt- Surajpur, (Chhattisgarh).
5. The Block Education Officer, Bhaiyathan Distt- Surajpur, (Chhattisgarh).
6. Block Education Officer, Surajpur Block- Surajpur Distt- Surajpur, (Chhattisgarh).

---- Respondents

For Petitioners	: Shri A.N. Pandey, Advocate
For State:	: Shri Ashish Surana, Panel Lawyer

S.B.:Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/12/2016

1. This petition has been filed by the petitioners-Part-Time Sweeper working in various school in District -Surajpur whose services have been discontinued in the year 2012.
2. At the outset, learned counsel for the petitioners submits that the large number of similarly situated Part-Time Sweepers were discontinued from service and they had filed petitions before this Court. All those petitions were disposed off by a common order dated 9.9.2015. It is submitted that the petitioner herein is identically situated as the petitioners in those petitions, because this petitioners were also Part-Time Sweepers appointed in school in the same District i.e. Surajpur and on similar consideration which weighed at the time of termination of petitioners in above referred petitions, this petitioners were also discontinued from service.

Learned counsel for the petitioners submits that the Part-Time Sweepers are low rank of employees and very meagerly paid. Therefore, in these circumstances, this petition may be finally disposed off with a direction

to respondents to examine his case and on parity, similar relief may be granted to the petitioners.

3. Learned State counsel opposes the prayer made by the counsel for the petitioners.
4. This petition filed by petitioners/ Part-Time Sweepers working in various school in the same district where the petitioners were also working as Part-Time Sweepers, this Court had an occasion to examine the correctness of decision taken by the authority towards enmass termination of Part-Time Sweepers. The reasons assigned for enmass termination, as reflected in the case of *Rameshwar Prasad Rajwar & Ors. Vs. State of Chhattisgarh & Ors.* and batch of petitions, show that the appointments were illegally made by wrongly construing and interpreting direction of the State Govt. This Court after hearing the parties, held as below:

“7. Upon hearing learned counsel for the parties, it would appear that even if the respective principals/head masters were not informed or authorized to make appointment, the fact remains that the State Government had earlier issued communications to the effect that there is no restriction for appointing part time sweepers. It has not been disputed by the respondents that the petitioners were in fact appointed by the respective principals/head masters prior to issuance of the order (Annexure-P-1) and the order (Annexure-P-7). Once the appointments have been made, even on part time basis, mass cancellation of appointments, without there being any specific individual allegation of corruption or nepotism is not permissible. At the same time, if any part time sweeper is not attending duties as he belongs to some other village or is otherwise not efficient in his work, it always remains open for the concerned head of the department or the appointing authority to initiate action, as the petitioners have no right to hold the post, being only part time sweepers.”

5. Prima facie these petitioners also seem to be affected by the enmass

termination while working in the same district and on similar consideration.

6. The petitioner, therefore, would also be entitled to similar benefits if their cases are similarly situated as the case of those petitioners who had earlier approached this Court and in whose favour, common order was passed on 9.9.2015.
7. In view of the above consideration, respondent -Assistant Commissioner Tribal Development, Surajpur, shall examine the case of the petitioners and verify facts. If this petitioner is similarly situated as the petitioners in earlier batch of petitions, which was decided on 9.9.2015, the benefits which have accrued to those petitioners and as ordered by this Court earlier in the case of *Rameshwar Prasad Rajwar* (supra) shall also be granted to this petitioner.

Considering that the petitioners are very low-paid employee, Assistant Commissioner, Tribal Development, Surajpur, shall complete the exercise within a maximum period of 90 days from the date of receipt of copy of this order.

8. If the petitioners' grievance is not redressed/fully redressed, he will be at liberty to revive his petition.

Sd/-

(Sanjay K. Agrawal)
Judge