

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No.591 of 2015

1. Kamlu Ram S/o Shri Sukhdas, Aged About 44 Years Post- Labour (P.W.D.) Working As Permanent Gangman In Office Of P.W.D. Office (B & S), Division Narayanpur, P.S. Narayanpur, District- Narayanpur, Chhattisgarh
2. Kamlu Ram S/o Shri Mangalu, Aged About 58 Years Post- Labour (P.W.D.) Working As Permanent Gangman In Office Of P.W.D. Office (B & S), Division Narayanpur, P.S. Narayanpur, District- Narayanpur, Chhattisgarh
3. Rasiya Ram S/o Shri Sukhman, Aged About 56 Years Post- Labour (P.W.D.) Working As Permanent Gangman In Office Of P.W.D. Office (B & S), Division Narayanpur, P.S. Narayanpur, District- Narayanpur, Chhattisgarh
4. Sita Ram S/o Shri Sukhman, Aged About 47 Years Post- Labour (P.W.D.) Working As Permanent Gangman In Office Of P.W.D. Office (B & S), Division Narayanpur, P.S. Narayanpur, District- Narayanpur, Chhattisgarh
5. Smt. Ramdaie W/o Late Shri Govind, Aged About 42 Years Post- Labour (P.W.D.) Working As Permanent Gangman In Office Of P.W.D. Office (B & S), Division Narayanpur, P.S. Narayanpur, District- Narayanpur, Chhattisgarh
6. Fhagu Ram S/o Shri Man Singh, Aged About 50 Years Post- Labour (P.W.D.) Working As Permanent Gangman In Office Of P.W.D. Office (B & S), Division Narayanpur, P.S. Narayanpur, District- Narayanpur, Chhattisgarh

---- Petitioner

Versus

Shri F. Toppo , Executive Engineer, P.W.D. Narayanpur, Division Narayanpur, P.S. Narayanpur, District- Narayanpur, Chhattisgarh(Contemnor)

---- Respondent

For Petitioners	:	Shri Palash Tiwari, Advocate
For Respondent	:	Shri Chandresh Shrivastava, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/08/2016

Heard.

2. Learned counsel for petitioners submits that the respondent is guilty of willful disobedience of Order dated 06-12-2014 passed by the Lok Adalat, in which, the petitioners were directed to be reinstated in service with effect from the date of joining in the same capacity, in which, they were working prior to termination. He submits that

the petitioners have been reinstated and treated as dailywage employee and not as a regular employee. According to him, similarly situated employees are being treated as regular employee.

3. Learned counsel for the respondent submits that services of the petitioners stood terminated way back in the year 2004. The order of regularization was passed in the year 2008 which could not be implemented in case of the petitioners. Their prayer for reinstatement in service were refused vide subsequent order dated 24-04-2008. Therefore, according to assessment of the respondent authority, the petitioners capacity at the time of termination, were only dailywage employee and not as regular employee.

4. After hearing learned counsel for the parties, irrespective of the claim which may the petitioners have, for regularization in service on such grounds as may be available to them under the law, it cannot be said to be a case of willful disobedience. It appears that the respondent authority upon assessment of records and factual position, came to the conclusion that at the time of termination, the petitioners were dailywage employees, therefore, they have been reinstated in service in the same capacity. Therefore, no contempt proceedings can be drawn against the respondent.

5. Accordingly, the contempt petition is dismissed. Rule is discharged. However, liberty is reserved to the petitioners to take recourse to remedy as may be available to them under the law to claim status of regular employee.

Sd/-
(Manindra Mohan Shrivastava)
Judge