

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.6005 of 2016

Sunil Kumar Ghanshyam, aged about 40 years, S/o Shri Bhimrao Ghanshyam, R/o Ward No.2, Bajrangpur, Navagaon, Shanker Nagar, Rajnandgaon, Distt. Rajnandgaon (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Urban Administration, Indrawati Bhawan, Naya Raipur, Distt. Raipur (C.G.)
2. The Collector, Distt. Rajnandgaon (C.G.)
3. The Commissioner, Municipal Corporation, Rajnandgaon, District Rajnandgaon (C.G.)

---- Respondents

For Petitioner: Mr. Rakesh Thakur, Advocate.

For State/Respondents No.1 and 2: -

Mr. Dheeraj Kumar Wankhede, Govt. Advocate,
on advance copy.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/11/2016

1. By award of the Labour Court dated 27-11-2006, the petitioner was reinstated in service. Thereafter, by order dated 4-10-2008, the petitioner was regularized on the post of Majdoor on the pay scale of Rs.2,550-3,200/- in which he is continuing.
2. It appears from the record that on 11-3-2008, the petitioner had made a representation that his name be added in the

seniority list. Thereafter, on 22-12-2015, he again made representation that his name be added in the seniority list of Peon which was repeated on 20-7-2016, 24-8-2016, 24-9-2016. The instant writ petition has now been filed on 21-10-2016 claiming relief that respondent No.3 be directed to convert the post of the petitioner from Labour to Peon.

3. The petitioner has been regularized on the post of Majdoor by the order of the Municipal Corporation dated 4-10-2008 and in paragraph 7 of the petition, the petitioner has conveniently declared that there is no delay in filing the writ petition whereas, the writ petition is hopelessly barred by principles of delay and laches, as he has not explained the delay from 4-10-2008 to 21-10-2016. The petition filed nowhere indicates that he has ever made representation claiming regularization on the post of Peon. The petitioner has willingly accepted the order of regularization on the post of Majdoor and now he cannot turn around and claim, that too belatedly after delay of eight years, that his post be converted to that of Peon from Majdoor. A municipal servant appointed on the post of Majdoor is not entitled to claim higher post of Peon as the appointment is governed by the statutory rules. Since the petitioner has not been selected on the post of Peon, he cannot be directed to be appointed on the post of Peon.

4. The petition, therefore, deserves to be and is accordingly

dismissed at the admission stage itself without notice to the other side. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma