

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.6909 of 2016

- Rammani W/o Jethu Singh, Aged About 23 Years R/o Village Karri Post Baijnathpur Block Odgi, Distirct Surajpur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Tribal Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh
2. The Commissioner, Scheduled Caste And Scheduled Tribe Development, Raipur, (Chhattisgarh).
3. The Collector, District Surajpur (Chhattisgarh). (Tribal Development).
4. The Assistant Commissioner, Tribal Development, Surajpur, District Surajpur, (Chhattisgarh).
5. The Block Education Officer, Odgi, District Surajpur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Atanu Ghosh, Advocate
For Respondent/State	:	Shri Avinash Singh, PL

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/12/2016

With the consent of the learned counsel for the parties, the matter is heard finally.

2. The petitioner has filed this petition aggrieved by discontinuance of his service while he was working as Part Time Sweeper. It is submitted that in a batch of identical petitions, this Court has disposed off the petitions with a direction, to which, the petitioner is also entitled as the petitioner also claims to be similarly situated.

3. Learned State counsel submits that the matter requires factual verification

as to whether the petitioner is similarly situated or not.

4. In a batch of petitions filed by Part-Time Sweepers working in various schools 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 this petitioner also seems 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 his case is 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 petitioner 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 petitioner is 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 petitioner's grievance is not redressed/fully redressed, he will be at liberty to revive his petition.

Sd/-
(Manindra Mohan Shrivastava)
Judge