

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 1103 OF 2017

Ku. Dhanwantari Kunjam, D/o Late Shri H.L. Kunjam, aged about 27 years, R/o C/o Shri Ashok Kumar Netam, Ward No.13, near Budha Mahadev, Mandir, Matapara, Kawardha, Tahsil- Kawardha, Civil & Revenue District Kabirdham (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Economics and Statistics, Mahanadi Bhawan, New Raipur (C.G.)
2. The Director/Commissioner, Directorate, Department of Economics and Statistics, Ground Floor, 2nd Block, Indrawati Bhawan, New Raipur (C.G.)
3. The Collector, Kabirdham, Civil and Revenue District Kabirdham (C.G.)
4. The District Program and Statistics Officer, Kabirdham, Civil and Revenue District- Kabirdham (C.G.)

... Respondents

For Petitioner	:	Mr. Paras Mani Shriwas, Advocate.
For Respondents	:	Mr. Gary Mukhopadhyay, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/03/2017

1. The Petitioner through the present writ petition is seeking for a direction to the Respondents for considering her case for being reappointed on the post of Statistics Inspector/Supervisor in the office of District Program and Statistics Officer, Kabirdham.
2. Claim of the Petitioner is that she was discharging the said duty on contractual basis for the period from 2014 to 2016.
3. Perusal of the record would show that the service which was rendered by the Petitioner during the period from 2014 to 2016 was purely as an contractual employee, whose employment was for a fixed tenure of one year and subject to availability of work. The contract of the Petitioner got continued up till February, 2016, since when her service stood discontinued with effect from 29.2.2016 onwards and thereafter she is not in service.

4. The only prayer of the Petitioner is that the post at which she was discharging her duties is still lying vacant and therefore the Respondents may be directed to fill up the said post by engaging the Petitioner.

5. This Court does not find a good ground to entertain the petition, on the ground that the Petitioner does not have any indefeasible right created in her favour by way of contractual engagement which she had discharged from 2014 to 2016.

6. The law in respect of the contractual employment is well settled. Services of an employee would stand discontinued the moment the contract period is concluded. In the instant case, the contract of the Petitioner stood concluded on 29.2.2016 and thereafter the Petitioner is not in service. This Court in exercise of writ jurisdiction under Article 226 of the Constitution of India cannot issue a direction or mandamus to the respondent authorities to continue the service of the Petitioner as an contractual employee beyond the contract period for which she was engaged. It is always the prerogative of the State Government to decide as to when and how many persons to be retained for taking work on contractual basis. If the Respondents at this juncture do not require the services of the Petitioner and other similarly placed persons, this Court is not empowered to issue a suitable direction to the State Government for taking the Petitioner back in service.

7. Thus, for the foregoing reasons, this Court is of the opinion that no strong case has been made out for entertaining the present writ petition. The writ petition accordingly stands dismissed. No order as costs.

Sd/-
(P. Sam Koshy)
Judge