

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4292 of 2017**

- Mohammad Rafiq Khan S/o Rasul Khan Aged About 54 Years
Takra Para Ward No. 6, Durg, District Durg, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Special Secretary,
Department Of Urban Administration And Development
Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur,
Chhattisgarh.
2. The Commissioner, Municipal Corporation, Durg, Chhattisgarh.
3. The Collector, Durg, Durg Chhattisgarh.
4. Chief Executive Officer, State Urban Development Agency, 3rd
Floor, Bajrang Complex, RDA Building , Raipur, Chhattisgarh.

---- Respondent

For Petitioner	Mr. P. Acharya, Advocate
For Respondent/State	Mr. Sangharsh Pandey, Dy. GA
For Respondent No.2	Mr. Neeraj Pradhan, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****23/11/2017**

1. Heard.

2. The petitioner is working as Driver pursuant to the appointment order issued by the Collector (*Nagriya Kalyan*), Durg on 30.10.1991. Before that, he was appointed on daily wages on 29.01.1990.
3. The petitioner would pray for a direction to the respondent authorities to determine the primary/principal Department of the petitioner and thereafter, direct the said Department to grant all the service benefits including *Krammonati*, Promotion, benefit of 5th Pay Scale w.e.f. 1.1.2006 along with entire arrears etc. This relief is prayed on submission that although the petitioner was appointed by the Collector, Durg yet he is directed to work under the District Urban Development Agency (DUDA) and is also directed to work under the Municipal Corporation, Durg. Therefore, neither the Collector, Durg nor the Municipal Corporation, Durg are regularising the petitioner's services to grant all the above claimed service benefits in accordance with the State Government Rules, Regulations and Instructions.
4. It appears, the issue brought before this Court lies in a narrow compass and can be best addressed by the Collector, Durg in consultation with the Commissioner, Municipal Corporation, Durg. Therefore, the petitioner should submit a representation before the Collector, Durg within a period of 4 weeks from today with copy to the Municipal Corporation, Durg. On such representation being filed, the Collector, Durg shall pass a speaking order in consultation with the Commissioner,

Municipal Corporation, Durg within a further period of 3 months. While preferring a detailed representation, by including his entire claims, the petitioner shall annex the certified copy of the present order.

5. The writ petition is accordingly disposed of. Sd/-

Judge

(Prashant Kumar Mishra)

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