

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6481 of 2017

1. Satyanarayan S/o Shri Ramkumar Aged About 29 Years Posted As Part Time Sweeper, Primary School, Pandopara, Block Odgi, District Surajpur Chhattisgarh
2. Ram Narayan S/o Shri Ram Singh Aged About 27 Years Posted As Part Time Sweeper, Primary School, Belami, Block - Odgi, District Surajpur Chhattisgarh.
3. Mansaram S/o Shri Amar Chand Aged About 24 Years Posted As Sweeper, Primary School, Matidand, Block - Odgi, District Surajpur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh.
2. The Collector, District Surajpur Chhattisgarh.
3. The District Education Officer, District Surajpur Chhattisgarh.
4. The Assistant Commissioner, Tribal Welfare Department, Surajpur, District Surajpur Chhattisgarh.
5. The Block Education Officer, Odgi, District Surajpur Chhattisgarh.

---- Respondent

For Petitioners
For Respondent-State

Shri Rahul Mishra, Advocate
Shri Adhiraj Surana, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

28/11/2017

1. This petition has been filed by the petitioners working in the District Surajpur as Part Time Sweeper, whose services have been discontinued.

2. At the outset, learned counsel for the petitioners submits that the large number of similarly situated Part-Time Sweepers were discontinued from service and they had filed petitions before this Court. All those petitions were disposed off by a common order dated 9.9.2015. It is submitted that the petitioner herein is identically situated as the petitioners in those petitions were also Part-Time Sweeper and on similar consideration, which weighed at the time of termination of petitioners in above referred petitions, the petitioner was also discontinued from service. Learned counsel for the petitioners further submits that the Part-Time Sweepers are low rank of employees and very meagerly paid. Therefore, in these circumstances, this petition may be finally disposed off with a direction to respondents to examine the case of the petitioner and on parity, similar relief may be granted in the case of the petitioners.
3. In a batch of petitions filed by the Part-Time Sweepers working in various schools, this Court had an occasion to examine the correctness of decision taken by the authority towards en masse termination of Part-Time Sweepers. The reasons assigned for en masse 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 infact 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.”

4. Prima facie, this petitioner also seems to be affected by the en masse termination while working on similar consideration. 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, a common order was passed on 9.9.2015.
5. In view of the above consideration, respondent No.2/Assistant Commissioner Tribal Development, shall examine the case of petitioners and verify facts. If the petitioners are 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 these petitioners.

6. Considering that the petitioners are very low-paid employee, Assistant Commissioner, Tribal Development/respondent No.2 shall complete the exercise within a maximum period of 90 days from the date of receipt of copy of this order.
7. If the petitioners' grievance are not redressed/fully redressed, they will be at liberty to revive the petition.
8. Accordingly, the writ petition is disposed of in terms of the order passed in **Rameshwar Prasad Rajwar** (supra).

Sd/-

Judge
Prashant Kumar Mishra

Nirala