

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.80 of 2017

Horilal Mehar, S/o Shri Shukmuni Mehar, aged about 45 years, working as Assistant Grade-3, Govt. I.T.I. Sariya, R/o Village Reda, Tah. Sarangarh, Distt. Raigarh, Civil and Revenue Distt. Raigarh (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Department of Industrial Training Institutions, Mahanadi Bhavan, Mantralay, Raipur, Distt. Raipur (C.G.)
2. Director, Department of Industrial Training Institutions, Indrawati Bhavan, New Raipur, Distt. Raipur (C.G.)
3. The Joint Director, Industrial Training Institutions, Regional Office Bilaspur, Distt. Bilaspur (C.G.)
4. The Principal, Govt. Industrial Training Institutions, Raigarh, Distt. Raigarh (C.G.)
5. The Superintendent, Industrial Training Institutions, Sariya, Distt. Raigarh (C.G.)

---- Respondents

For Petitioner: Mr. Manoj Kumar Sinha, Advocate.

For Respondents/State: Mr. Dheeraj Kumar Wankhede, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

10/01/2017

1. Learned counsel for the petitioner submits that the petitioner in the instant case was appointed on 27-6-1998 as Assistant Grade-III vide the order of appointment Annexure P-3 on contractual basis. Since the time of his appointment i.e. of June, 1998, the petitioner has been continuously working with the respondents. Learned counsel further submits that though the petitioner is continuously working and discharging the duties similar and identical to the nature of work done by the similarly placed regular

employees, salary and emoluments which the petitioner is getting are considerably less than what is being given to regular employees. Learned counsel also submits that the petitioner, in the given facts and circumstances of the case, is entitled for at least the parity of pay and is also entitled for being considered for regularization. Learned counsel supports his claim in the light of the decision of the Supreme Court in the case of State of Punjab and others v. Jagjit Singh and others decided on 26-10-2016. Lastly, it was contended by learned counsel that case of the petitioner is also recommended for regularization by the Department and the matter is pending consideration before respondent No.2. He refers to Annexuure P-10 dated 26-11-2016 with the writ petition which is a document by which the representations of the petitioner have been forwarded to the Commissioner-cum-Assistant Director, Directorate of Employment and Training, Raipur for consideration by respondent No.5.

2. At this juncture, learned State counsel submits that the matter may be disposed of with a direction to respondent No.2 to take appropriate decision in respect of the case of the petitioner so far as his claim for pay parity as well as for grant of regularization is concerned.
3. In the given facts and circumstances of the case, the present writ petition stands disposed of with a direction to respondent No.2 to take appropriate decision in the case of the petitioner keeping in view the decision of the Supreme Court referred in the preceding paragraph of this order. It is expected that respondent No.2 shall take a decision in this regard within a period of three months from

the presentation of certified copy of this order.

4. It is made clear that this Court has not expressed any opinion on the merits of the case. The authority shall decide the same strictly in accordance with the rules governing the field keeping in mind the judgment of the Supreme Court referred to above.
5. No order as to costs.

Sd/-
(P. Sam Koshy)
Judge

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