

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 2482 of 2017**

Raju Ram Yadav S/o Shri Ramu Ram Yadav, aged about 37 years, Occupation Service (Watchman Daily Wages) R/o Chhuikhadan, Police Station and Tahsil Chhuikhadan, District Rajnandgaon, Civil & Revenue District Rajnandgaon (Chhattisgarh).

---- Petitioner**Versus**

1. State of Chhattisgarh through : Secretary, Department of Agriculture, Mahanadi Bhawan, Capital Complex, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh).
2. The Deputy Director, Department of Agriculture, Rajnandgaon, District Rajnandgaon, (Chhattisgarh).
3. Assistant Soil Testing Officer, Office of the Deputy Director, Department of Agriculture, Rajnandgaon, District Rajnandgaon (Chhattisgarh).
4. Agriculture Development Officer, Chhuikhadan, District Rajnandgaon (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Sumit Shrivastava, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22/06/2017**

Challenge to the present writ petition is the order dated 23.09.2014 Annexure P-1 whereby the petitioner has been reinstated in employment in Agriculture Department under respondent no.3 at Rajnandgaon.

2. The grievance of the petitioner is that he was working as a daily wage employee in the office of respondent no.4 and his services were discontinued in the year 2010. Subsequently, there was a case filed by the petitioner before the Labour Court in which he succeeded and the matter went up to the High Court where also the case was decided in favour of the petitioner. Subsequently, the respondents have complied with the order and ordered for

reinstatement of the petitioner under respondent no.3. The petitioner's grievance is that he ought to have been reinstated under respondent no.4 from where his services were discontinued.

3. The contention of the petitioner is totally misconceived and cannot be accepted for the simple reason that the petitioner was substantively holding a post of daily wage worker. After his discontinuance from service, the work which was available under the respondent no.4 must have been undertaken by other similarly placed person. Since there was an order in favour of the petitioner, the respondents had to comply with the order and they have passed the order reinstating the petitioner under respondent no.3. Therefore, the petitioner cannot be choosy of his place of reinstatement as he substantively still holds the status of a daily wage worker and the respondents are only liable to take work from the petitioner wherever work is available.

4. Thus, the present writ petition being devoid of merits deserves to be and is accordingly dismissed.

**Sd/-
(P. Sam Koshy)
JUDGE**