

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4810 of 2017

1. Jitendra Prasad S/o Anand Minj Aged About 23 Years Sweeper, Govt. Primary School Dhamdhaniyapara, Block Rajpur, District Balrampur, Chhattisgarh.
2. Jahuran Tekam S/o Gulab Tekam, Aged About 28 Years Sweeper, Govt. Primary School Tumbadand, Block Rajpur, District Balrampur Ramanujganj, Chhattisgarh.
3. Arjun Ram Toppo S/o Nilam Sai, Aged About 26 Years Sweeper, Govt. Primary School Tumbadand, Block Rajpur, District Balrampur Ramanujganj, Chhattisgarh.
4. Dilip Kumar S/o Lalu Toppo, Aged About 27 Years Sweeper, Govt. Primary School Baigapara, Block Rajpur, District Balrampur Ramanujganj, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education Development, Mantralay, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. Assistant Commissioner (Tribal Development) Ramanujganj Balrampur, District Ramanujganj, Balrampur Ramanujganj, Chhattisgarh.
3. Collector, Ramanujganj Balrampur, District Ramanujganj, Balrampur Ramanujganj, Chhattisgarh.
4. District Education Officer, Rajpur, Balrampur, District Balrampur Ramanujganj, Chhattisgarh.
5. Block Education Officer, Rajpur, Balrampur, District Balrampur Ramanujganj, Chhattisgarh.

---- Respondents

For Petitioners	:	Shri Roshan Dubey, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/09/2017

Heard.

1. This petition has been filed by the Part-Time Sweeper working in the district

-Balrampur, whose services have been discontinued in the year 2012.

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 petitioners herein are identically situated as the petitioners in those petitions, because these petitioners was also Part-Time Sweeper and on similar consideration which weighed at the time of termination of petitioners in above referred petitions, these petitioners were also discontinued from service.

Learned counsel for the petitioners 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 petitioners 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 petitioners also seem to be affected by the en masse termination while working on similar consideration.
5. The petitioners, therefore, would also be entitled to similar benefits if their case is similarly situated as the case of those petitioners who had earlier approached this Court and in whose favour, common order was passed on 9.9.2015.
6. 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.

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.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge