

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 7110 of 2017**

1. Smt. Phul Kunwar D/o Late Shri Mansay Aged About 44 Years Occupation Service (Part Time Sweeper) At Government Primary School Karsu (Darripara) District Surajpur Chhattisgarh R/o Village Karsu, Post Karwa Police Station Jainagar, Tehsil Bhaiyathan, Revenue & Civil District Surajpur Chhattisgarh.
2. Guddi Bai D/o Amarsay Aged About 38 Years W/o Late Thakur Prasad Occupation Service (Part Time Sweeper) At Government Middle School Karsu, District Surajpur Chhattisgarh R/o Village Karsu, Post Karwa Police Station Jainagar, Tehsil Bhaiyathan, Revenue & Civil District Surajpur Chhattisgarh.
3. Bhola Singh S/o Lal Say Aged About 24 Years Occupation Service (Part Time Sweeper) At Government Primary School Sonpur Bodelipara, District Surajpur Chhattisgarh R/o Village Sonpur Post Batara, Police Station Vishrampur, Tehsil Bhaiyathan, Revenue & Civil District Surajpur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Tribal Development Department Mahanadi Bhawan Naya Raipur Revenue & Civil District Raipur Chhattisgarh.
2. Commissioner, Scheduled Caste & Scheduled Tribe Development Naya Raipur, Revenue & Civil District Raipur Chhattisgarh.
3. Assistant Commissioner, Tribal Development Department Surajpur, Revenue & Civil District Surajpur Chhattisgarh.
4. Collector, (Tribal Development) Surajpur Revenue & Civil District Surajpur Chhattisgarh.
5. The Block Education Officer, Ramanujnagar, Revenue & Civil District Surajpur Chhattisgarh.
6. The Block Education Officer, Odagi, Reveune & Civil District Surajpur Chhattisgarh.
7. The Block Education Officer, Surajpur, Revenue & Civil District Surajpur Chhattisgarh.

---- Respondent

For Petitioners
For Respondents/State

Shri Surfaraj Khan, Advocate.
Shri Rajendra Tripathi, P.L.

Order On Board

14/12/2017

1. Heard.
2. These petitions have been filed by the Part-Time Sweeper working in the district Surajpur, whose services have been discontinued in the year 2012.
3. 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 petitions herein are identically situated as the petitioners in those petitions, because the petitioners 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.
4. Learned counsel for the petitioners submits that the Part-time Sweepers are low rank of employees and very meagerly paid. Therefore, in these circumstances, these petitions 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.
5. 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/ headmasters 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 master 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 is 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 held the post, being only part time sweeper.”

6. Prima facie, these petitioners also seem to be affected by

the en masse termination while working on similar consideration.

7. The petitioners, therefore, would also be entitled to similar benefits if their cases are 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.
8. In view of the above consideration, respondent No.2/Assistant Commissioner Tribal Development, shall examine the case of petitioner and verify facts. If the petitioners are similarly situated as the petitioner 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.
9. Considering that the petitioner is very low-paid employee, Assistant Commissioner, Tribal Development, Surajpur shall complete the exercise within a maximum period of 90 days from the date of receipt of copy of this order.
10. If the petitioners' grievance are not redressed/fully redressed, they will be at liberty to revive the petition.

Sd/-

Judge

Prashant Kumar Mishra

Akhilesh