

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1357 of 2017**

1. Suraj Mohan S/o Shri Jatan Ram Aged About 27 Years Part Time Sweeper Primary School Khadouli Block & Tahsil- Odagi, District- Surajpur, Chhattisgarh
2. Jagjivan Paikra S/o Late Hirachand Aged About 27 Years Part Time Sweeper Primary School Damkapara, Block & Tahsil- Odagi, District- Surajpur, Chhattisgarh
3. Kalam Sai S/o Deonarayan Aged About 26 Years Part Time Sweeper Primary School Bijalidand Block & Tahsil- Odagi, District - Surajpur, Chhattisgarh
4. Rameshwar Prasad Dewangan S/o Shri Ramdhani Aged About 30 Years Part Time Sweeper Middle School Pakani Block & Tahsil- Odagi, District- Surajpur, Chhattisgarh
5. Manohar S/o Deosharan Aged About 31 Years Part Time Sweeper Primary School Harrapani Block & Tahsil- Odagi, District- Surajpur, Chhattisgarh
6. Bodhnarayan Paikra S/o Late Roop Sai Aged About 35 Years Part Time Sweeper Primary School Nalapara (Pakani) Block & Tahsil-Odagi, District- Surajpur, Chhattisgarh
7. Smt. Sita Kunwar W/o Ramkishun Aged About 30 Years Part Time Sweeper Primary School Kolpara Block & Tahsil- Odagi, District- Surajpur, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through: The Secretary, Department Of Tribal Development Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh
2. The Commissioner, Tribal Development, Indrawati Bhawan, New Raipur, Distt. Raipur (Chhattisgarh)
3. The Collector, Surajpur, Distt. Surajpur, (Chhattisgarh)
4. The Assistant Commissioner, Tribal Development Surajpur, Distt. Surajpur, (Chhattisgarh)
5. The District Education Officer, Surajpur, Distt. Surajpur, (Chhattisgarh)
6. The Block Education Officer, Odagi, Block Surajpur, Distt. Surajpur, (Chhattisgarh)

---- Respondents

For Petitioners:

Mr. A.N. Pandey, Advocate

For State:

Mr. Shashank Thakur, Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21.03.2017

1. This petition has been filed by the Part-Time Sweepers working in various Govt. Primary/Middle Schools of District Surajpur, their 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 petition before this Court i.e. **Writ Petition (S) No. 873/2017 decided on 21.02.2017**. It is submitted that the petitioners herein are identically situated as these petitioners were also Part-Time Sweepers appointed in various schools in the same district i.e. Surajpur and on similar consideration which weighed at the time of termination of petitioners in above referred petition, these petitioners were also discontinued from service.
3. 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 their individual case and on parity, similar relief may be granted in case of the petitioners.
4. Learned State counsel opposes the prayer made by counsel for the petitioners. This petition filed by Part-Time Sweepers working in school in the same district where the petitioners were also working as Part-Time Sweepers, this Court had an occasion to examine the correctness of decision taken by the authority towards enmass termination of Part-Time Sweepers.
5. Prima facie these petitioners also seems to be affected by the enmass termination while working in the same district and on similar

consideration.

6. 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, order was passed on 21.02.2017.
7. In view of the above consideration, Respondent No.4, the Assistant Commissioner Tribal Development, Surajpur, shall individually examine the case of the petitioners and verify facts. If these petitioners are similarly situated as in the Petition which was decided on 21.02.2017 and also in an earlier order passed by this Court in bunch of Petitions in case of **Rameshwar Prasad Rajwar & Ors v. State of Chhattisgarh & Ors** in **Writ Petition No. 3981/2012** decided on **09.09.2015** the benefits which have accrued to those petitioners shall also be granted to these petitioners.
8. Considering that the petitioners are very low-paid employees, 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.
9. If the petitioners' grievance is not redressed, they will be at liberty to revive their petitions.
10. With the aforesaid observations the present Writ Petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE