

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 1432 OF 2017

1. Chandra Prakash Yadav S/o Shri R.L. Yadav Aged About 35 Years R/o 27 Kholi, Vikas Nagar, Near Jyoti Kirana Store, Bilaspur, District- Bilaspur, Chhattisgarh
2. Govind Vishwakarma S/o Late Shri Gopal Vishwakarma Aged About 28 Years R/o Madhuban Raod, In Front Of Shikha Vatika, Dayalband, Bilaspur, District Bilaspur, Chhattisgarh
3. Poshan Singh S/o Shri Tameshwar Singh Aged About 34 Years R/o Sarbahra, Jogi Dairy, Tehsil Pendra Road, District- Bilaspur, Chhattisgarh
4. Vishwanath Sahu S/o Shri Ramayan Sahu Aged About 31 Years R/o Village Thaurabhatha, Kota, District- Bilaspur, Chhattisgarh
5. Promod Kumar Banerjee S/o Shri Devdas Aged About 44 Years R/o Village Nipaniya, Tehsil Bilha, District Bilaspur, Chhattisgarh
6. Sushil Kumar Ratre S/o Late Shri Bhagwat Prasad Aged About 40 Years R/o Near Dilip Kirana Store, Minimata Basti, Jarhabhatha, District- Bilaspur, Chhattisgarh
7. Rukesh Kumar Nagarchi S/o Shri Kaliram Nagarchi Aged About 40 Years R/o Village And Post Dahi, Police Station Kurud, District Dhamtari, Chhattisgarh

... Petitioners

Versus

1. State of Chhattisgarh, through the Secretary, Department of General Administration, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh
2. District Collector, Bilaspur, District- Bilaspur, Chhattisgarh

... Respondents

For Petitioners	:	Mr. Sushil Sahu, Advocate.
For Respondents	:	Mr. B. Gopa Kumar, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/03/2017

1. Challenge in the present writ petition is to the advertisement, dated 19.10.2016 (Annexure P-1) issued by the Respondents in respect of recruitment in different posts under the Respondents, the relevant post against which the Petitioners have filed the present writ petition is that of Driver.
2. By way of the present writ petition, the Petitioners have sought for a direction to the Respondents for considering their case for regularisation.

3. At the outset, this Court is not inclined to entertain the present writ petition, for the simple reason that the initial appointment of the Petitioners itself was in the year 2010 on contractual basis. Initially, the engagement of the Petitioners itself was for a specific period which has further been extended time and again. The last contract which has been executed in favour of the Petitioners is of 3.3.2017 and the contract period specifically mentions the period up till 7.6.2017. In all the contracts which have been executed with the Petitioners, it had been specifically mentioned that the contractual engagement of the Petitioners is till the regular appointments are made or till the conclusion of the contractual period. Thus, it is clear that the Petitioners' substantive status still remains as a contractual employees.

4. The law so far as the contractual employees are concerned is by now well settled by a plethora of decisions of Hon'ble Supreme Court, which hold that the contractual employees do not have any indefeasible right created in their favour by virtue of their contractual engagement. Their services are governed purely in accordance with the terms of contract and their service life remains till the period of contract or cancellation of the contract by either of the parties for reasons envisaged in the terms of contract. Thus, it is settled that the Petitioners in the instant case do not have any vested right created in their favour.

5. So far as the relief of regularisation is concerned, the claim for regularisation of the Petitioners also is based on a circular dated 5.3.2008 of the State Government. However, the claim for regularisation on the basis of the circular of the State Government, dated 5.3.2008, also can only be subject to the fulfillment of the conditions envisaged therein. In the instant case the Petitioners have not even completed 10 years of service, which was benchmark when circular was published.

6. The issue of regularisation also is no longer *res integra* as it has been authoritatively concluded by the Hon'ble Supreme Court in the case of *Secretary, State of Karnataka and Others Vs. Umadevi and Others* [2006 (4) SCC 1] and a catena of decisions thereafter, as to scope of interference by the High Court in respect of claim for regularisation, while exercising its writ jurisdiction under Article 226 of the Constitution of India. In view of the same, this Court does not find any strong case made out for grant of either of the relief sought for by the Petitioners in the present writ petition.

7. The present writ petition thus being devoid of merits, the same is accordingly dismissed. However, the refusal to entertain the present writ petition shall not preclude the Petitioners from approaching the Respondents for ventilating their grievance and it is left upon the Respondents to consider the grievances of the Petitioner.

Sd/-
(P. Sam Koshy)
JUDGE