

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 294 of 2017

1. Tarachand Awasthi S/o Ganpatlal, Aged About 51 Years Working As Panchayat Karmi, Dispatch Section, At Nagar Panchayat, Malhar, Tehsil Masturi, Police Station Masturi, District Bilaspur, Chhattisgarh
2. Rameshwar (Prasad) Soni S/o Bullu Ram, Aged About 56 Years Working As Panchayat Karmi (Education, Health Department) At Nagar Panchayat, Malhar, Tehsil Masturi, Police Station Masturi, District Bilaspur, Chhattisgarh
3. Vishal Chouhan S/o Shri Malikram, Aged About 53 Years Working As Panchayat Karmi, Warter Supply Hand Pump, Electricity Department, At Nagar Panchayat Malhar, Tehsil Masturi, Police Station Masturi, District Bilaspur, Chhattisgarh

---- Petitioners

Versus

Mr. R. K. Dohare Joint Director, Department Of Urban Administration & Development, Bilaspur, Police Station Civil Line, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh

---- Respondent

For Petitioner : Shri Dharmesh Shrivastava, Advocate
For Respondent : Shri Chandresh Shrivastava, Advocate
Respondent is also present in the Court

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

Order On Board

31/08/2017

Heard.

1. The petitioners have filed this petition alleging willful disobedience of order dated 14.6.2013 passed in WPS No.1568 of 2013 in the matter of consideration of petitioners' case for absorption in Nagar Panchayat Malhar.
2. Learned counsel for the petitioners submits that despite direction given by this Court in the year 2013, till date, the issue relating to absorption has not been decided and this Court had directed respondent No.2 to examine the proposal of absorption of petitioners forwarded by Nagar Panchayat

Malhar and take appropriate decision.

3. Learned counsel for the respondent submits that after the order was passed by this Court, the predecessor in office of respondent forwarded a memo on 5.8.2013 to the Chief Municipal Officer towards finalization of petitioners' case for absorption whereafter vide letter dated 26.2.2014, the CMO directly sent a proposal to the Director for creation of supernumerary post to facilitate absorption of the petitioners. The appointing authority of the petitioners is the Chief Municipal Officer (CMO) and the authority competent to sanction creation of supernumerary post is the Director. As far as the present respondent is concerned, he was only required to take appropriate steps at his end which was done by him earlier and at this stage respondent does not have the official position or power either to pass the order of absorption or to create supernumerary posts to facilitate absorption.
4. It appears that after the direction was issued by this Court, the respondent had already sent memo to the CMO. The CMO appears to have directly sent proposal to the Director on 26.2.2014 for creation of supernumerary post. Since this matter remained pending with the Director, on 10.1.2017 the Director has again required the CMO to submit certain records. It is informed that the CMO has not sent necessary records to the Director.
5. The case of the petitioner regarding creation of supernumerary posts must be brought to an end at the earliest. A copy of this order be placed before the Director, Department of Urban Administration and Development, Raipur. The Director shall complete necessary enquiry from the CMO. The CMO shall be under obligation to submit all necessary documents before the Director within 60 days from the date of receipt of copy of this order. The Director within a period of next 30 days, take appropriate decision and pass appropriate order. The entire exercise is required to be completed within an outer limit of 90 days.
6. With the observations and direction as above, the petition is finally disposed off and the rule is discharged.

Sd/-
(Manindra Mohan Shrivastava)
Judge