

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.163 of 2017

Dev Charan Banjara, S/o Nihaldas Banjara, aged about 52 years, posted at Govt. Post Metric Scheduled Caste Boys Hostel, Mungeli, R/o Narayanpur, Post Bhalapur, Tahsil and District Mungeli (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Tribal Welfare, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. Commissioner, Tribal Welfare and Development, Raipur (C.G.)
3. Assistant Commissioner, Tribal Welfare and Development, Mungeli, District Mungeli (C.G.)
4. Collector (Tribal Welfare and Development), Mungeli, District Mungeli (C.G.)
5. District Coordinator, Tribal Welfare Department, Mungeli, District Mungeli (C.G.)

---- Respondents

For Petitioner: Mr. B.P. Banjare, Advocate.

For Respondents/State: Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

13/01/2017

1. Heard.
2. The present petition under Article 226 of the Constitution of India has been filed for a direction to the respondents to grant regular pay-scale to the petitioner under the contingency services immediately on completion of three years of service from the initial date of appointment.
3. Learned counsel for the petitioner submits that the petitioner is in employment since 11-8-1995 and therefore he is entitled for grant of regular pay-scale with effect from 11-8-1998 onwards. He further submits that similar reliefs have already been granted to

certain persons whose services were also regularized in the State Government in the year 2008. He refers to an order dated 10-3-2015 stating that the said order is in respect of identically placed persons.

4. At this juncture, learned State counsel submits that these orders are not on record and therefore it would be better if the petitioner files a detailed fresh representation to respondent No.2 along with all relevant documents in support of his claim including the orders of the State Government as also the orders of the High Court in other connected petitions. He further submits that in case representation is made, the authority respondent No.2 shall decide the same within a further period of three months from the date of receipt of the representation.
5. The proposal of the State counsel is acceptable to the counsel for the petitioner.
6. Accordingly, the present writ petition stands disposed of with liberty to the petitioner to file a fresh representation to respondent No.2 along with all relevant documents in this regard giving benefit to similarly placed persons and on such representation being made, respondent No.2 shall dispose of the same within a period of 90 days from the date of receipt of the representation.
7. It is made clear that this Court has not expressed any opinion so far as the entitlement of the petitioner is concerned. The authorities shall be free to take a decision purely in accordance with the rules governing the field.
8. No order as to costs.

Sd/-
(P. Sam Koshy)
Judge