

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6180 of 2008**

Bohran Lal Gendre, S/o. Shri Hirou Ram Gendre, Aged about 46 years, Training Officer Grade-II, I.T.I. Bastar, District Bastar Chhattisgarh

---- Petitioner**Versus**

1. The State of Chhattisgarh, through: Secretary, Man Power and Planning Department, D.K.S. Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh.
2. Director, Chhattisgarh Employment & Training, Raipur Chhattisgarh

----Respondents

For Petitioner	:	Mr. Sunil Otwani, Advocate
For State	:	Mr. Dheeraj Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****24/08/2018**

1. The dispute raised in the present writ petition is the non-granting of seniority from the initial date of appointment, but is being provided from the date of regularization.
2. According to the counsel for the petitioner, the petitioner herein was appointed initially on 27.12.1986 (Annexure P/1), thereafter he was again appointed on contingency basis from 01.01.1987 from 25.01.1991. On 25.01.1991 (Annexure P/3) the services of the petitioner were regularized along with other similarly placed persons.
3. The petitioner's contention is that so far as the other persons, who were regularized along with the petitioner have later on at the intervention of this Court been granted the benefit of seniority from the date of initial appointment, but in the case of the petitioner they have till date not taken a decision.

4. The counsel for the petitioner drew the attention of this Court to the order (Annexure P/3) dated 25.01.1991, so far as the order of regularization of the petitioner is concerned and also refers to an order of this Court in WPS No. 2986/2008 (Surendra Kumar Tamrakar vs. State of Chhattisgarh) decided on 18.06.2008 and further submits that the said order of this Court in the case of Surendra Kumar Tamrakar (supra) has since been complied with by the respondents and Surendra Kumar Tamrakar has been granted the benefit of seniority from the date of initial appointment. The counsel for the petitioner prays for a similar relief in the case of the petitioner on the ground of parity.
5. The State counsel so far as granting the relief on the ground of parity does not have any dispute. However he only drew the attention of the Court to the objection raised in the return, so far as the qualification part of the petitioner is concerned.
6. So far as the petitioner being incompetent for the post of Junior Instructor (Diesel Mechanic) is concerned, except for the pleadings that they have raised in the return, the respondents have never questioned the petitioner in respect of the qualification part right from 1987 till date. Therefore this Court does not find the said ground to be logically acceptable ground for not granting the benefits which have been granted to the other similarly and identically placed persons.
7. Given the facts and circumstances of the case, let the case of the petitioner be also scrutinized by the committee constituted for the same in the same manner as has been done in the case of Surendra Kumar Tamarkar (supra) and subsequent to the

committee scrutinizing the case of the petitioner on parity with the Surendra Kumar Tamarkar, let an appropriate order be issued within a period of 90 days from the date of receipt of the order of this Court.

8. The writ petition stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved