NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1488 of 2018

1. Smt. Seeta Kumari W/o Devdatt Singh, Aged About 29 Years R/o Village Lodha, Block Ramchandrapur, Tahsil Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

2. Smt. Jasmati Devi W/o Late Hari Singh, Aged About 30 Years Sweeper, R/o Village Jogiyaleva, Block Ramchandrapur, Tahsil Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

3. Smt. Suchita Devi W/o Ramkeval, Aged About 29 Years Sweeper, R/o Village Libra, Block Ramchandrapur, Tahsil Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

4. Smt. Kisamtiya W/o Jaansai, Aged About 25 Years Sweeper, R/o Village Palgi, Post Krishnanagar, Block Ramchandrapur, Tahsil Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

5. Smt. Sukni W/o Shivlal Singh, Aged About 45 Years Sweeper, R/o Village Indrawatipur, P.S. Sanawal, Block Ramchandrapur, Tahsil Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

6. Jagdish Singh S/o Devdhari Singh, Aged About 27 Years Sweeper, R/o Village Dindo Banasapara, P/s Trikuda, Block Ramchandrapur, Tahsil Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

7. Bhimsingh S/o Ramphal Singh, Aged About 30 Years Sweeper, R/o Village Kundpaan, Post Salwahi, P/s Trikunda, Block Ramchandrapur, Tahsil Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

8. Sanjay Kumar S/o Laxman Netam, Aged About 32 Years Sweeper, R/o Village Talkeshwarpur, Post Salwahi, P/s Sanawal, Block Ramchandrapur, Tahsil Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh **---- Petitioners**

Versus

1. State Of Chhattisgah Through Secretary, Department Of School Education Development, Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

2. Assistant Commissioner (Tribal Development) Balrampur Ramanujganj District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

3. Collector Balrampur, District Balrampur Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh

4. District Education Officer, Balrampur Ramanujganj District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

5. Block Education Officer, Ramchandrapur District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh ...**Respondents**

For Petitioners	:	Mr. Amit Kumar Sharma, Advocate
For State	:	Mr. Manish Nigam, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

21.02.2018

Heard.

1. This petition has been filed by the Part-Time Sweeper working in school in District-Balrampur whose services have been discontinued in the year 2012.

2. At the outset, learned counsel for the petitioners submits that large number of similarly situated Part-Time Sweepers were discontinued from service and they had filed petitions before this Court. All those petitions were disposed off by a common order dated 9.9.2015. It is submitted that the petitioners herein is identically situated as the petitioners in those petitions, because the petitioners were also Part-Time Sweeper appointed in school in District-Balrampur and on similar consideration which weighed at the time of termination of petitioners in above referred petitions, the petitioners were also discontinued from service.

Learned counsel for the petitioners submits that the Part Time Sweeper is low rank of employee and very meagerly paid. Therefore, in these circumstances, this petition may be finally disposed off with a direction to respondents to examine his case and on parity, similar relief may be granted in case of the petitioner.

3. Learned State counsel submits that at this stage, it cannot be said that the case of the petitioner is also identically situated, as it requires verification of facts.

4. In a batch of petitions filed by Part-Time Sweepers working in various schools 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. The reasons assigned for enmass termination, as reflected in the case of *Rameshwar Prasad Rajwar & Ors. Vs. State of Chhattisgarh & Ors.* and batch of petitions, show that the appointments were illegally made by wrongly construing and interpreting direction of the State Govt. This Court after hearing the parties, held as below:

> “7. Upon hearing learned counsel for the parties, it would appear that even if the respective principals/head masters were not informed or authorized to make appointment, the fact remains that the State Government had earlier issued communications to the effect that there is no restriction for appointing part time sweepers. It has not been disputed by the respondents that the petitioners were infact appointed by the respective principals/head masters prior to issuance of the order (Annexure-P-1) and the order (Annexure-P-7). Once the appointments have been made, even on part time basis, mass cancellation of appointments, without there being any specific individual allegation of corruption or nepotism is not permissible. At the same time, if any part time sweeper is not attending duties as he belongs to some other village or is otherwise not efficient in his work, it always remains open for the concerned head of the department or the appointing authority to initiate action, as the petitioners have no right to hold the post, being only part time sweepers.”

5. Prima facie, the petitioner also seems to be affected by the enmass termination while working in the same district and on similar consideration.

6. The petitioner, therefore, would also be entitled to similar benefits if his case is similarly situated as the case of those petitioners, who had earlier approached this Court and in whose favour, common order was passed on 9.9.2015.

7. In view of the above consideration, respondent-Assistant Commissioner, Tribal Development, Ramanujganj, District-Balrampur shall examine the case of the petitioner and verify facts. If the petitioners are similarly situated as the petitioners in earlier batch of petitions, which was decided on 9.9.2015, the benefits which have accrued to those petitioners and as ordered by this Court earlier in the case of *Rameshwar Prasad Rajwar* (supra) shall also be granted to the petitioner.

Considering that the petitioner is very low-paid employee, Assistant Commissioner, Tribal Development, Ramanujganj, District-Balrampur shall complete the exercise within a maximum period of 90 days from the date of receipt of copy of this order.

8. If the petitioners' grievance is not redressed/fully redressed, they will be at liberty to revive this petition.

Sd/-

(P. Sam Koshy)
Judge

Rekha