

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.2355 of 2018

Manjay Kumar Yadav S/o Bhikhari Ram Yadav Aged About 29 Years
R/o Pwd Tiraha, Ward No. 22 Manendragarh, District- Koriya,
Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department Of Revenue, Mantralaya Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
2. Collector, Collectorate, Baikunthpur District- Koriya, Chhattisgarh.
3. Additional Collector, Baikunthpur District- Koriya, Chhattisgarh.
4. Tahsildar Manendragarh, District Koriya, Chhattisgarh.
5. Narayan Sarkar S/o S/o Satya Bhushan Sarkar R/o Ahmad Colony, Near Rojgar Karyalay Manendragarh, District- Koriya, Chhattisgarh.
6. Shiv Kumar Sahu S/o S/o Late Chaitram R/o Bus Stand Kali Mandir, Manendragarh, District- Koriya, Chhattisgarh.
7. Narendra Kumar Yadav S/o S/o Late Mangal Sai Yadav R/o Khadgawa District- Koriya Chhattisgarh.

---- Respondents

For petitioner	:	Shri R.S. Baghel, Advocate.
For State	:	Shri Shashank Thakur, Govt.Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/03/2018

1. The petitioner seeks a direction to the respondents to quash the impugned order dated 19.02.2018 (Annexure P/1) whereby three persons have been appointed on contractual basis at the office of Tehsildar, Manendragarh, District Korea.
2. The grievance of the petitioner is that, the petitioner has been working with the respondents on contract basis since 2006. Initially he was appointed as part time Driver and subsequently engaged on part time Dak Runner and thereafter from 2015 onwards he has been working against the vacant sanctioned post of Process Server in Korea district.

The engagement of the petitioner was initially for a fixed period of 6 months and which subsequently continued periodically.

3. The grievance of the petitioner is that his services has been discontinued and in his place three persons whose name reflect in Annexure P/1 have been appointed. This according to the petitioner is malafide on the part of the Additional Collector, Korea and that the petitioner's discontinuance amounts to stigmatic removal as there is certain adverse remarks made by the Tehsildar, Manendragarh, to the Collector in respect of conduct of the petitioner.
4. Be that as it may, what cannot be brushed aside is the fact that the substantive status of the petitioner was a contractual employee and that the contractual employee continues in employment till the contract period exist as per the contract. The moment the contract period is over, no substantive or indefeasible right is created in favour of the petitioner. That, the services of a contractual employee automatically stands discontinued on the culmination of the contract period.
5. There cannot be a right conferred in favour of the petitioner for a direction to the respondents to continue with his contractual engagement beyond the period of contract. Further, the correspondence made by the Tehsildar to the Collector by itself would not make non renewal of contract or removal of the petitioner stigmatic. If the services of the petitioner is not found satisfactory, the department has every right to discontinue him after the contract period is over. In the instant case also it appears that the petitioner's services have not been found satisfactory for any specific reasons. Since no specific reason has been assigned, it cannot be presumed to be stigmatic

merely because there is some correspondence made by the Tehsildar, Manendragarh to Collector, Korea.

6. Given the facts and circumstances of the case, considering the substantive status of the petitioner, this court does not find strong case made out calling for interference with the impugned order which is an order of appointment in favour of the respondents No.5 to 7.
7. The writ petition thus being devoid of merit deserves to be and is hereby dismissed.
8. Reluctance to entertain this petition by this court would not preclude the petitioner from being considered for appointment for any subsequent period by the respondents. Neither should the petitioner's removal or discontinuance be treated as stigma in any manner.

Sd/-

(P.Sam Koshy)
Judge