

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 486 of 2018

Pannalal Sen S/o Shri Kamta Prasad Sen Aged About 56 Years Assistant Grade I, R/o New Sabji Mandi, Ward No. 14, Manendragarh, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

--- Applicant

Versus

1. State Of M.P. Through The Secretary, Education Department, Vallabh Bahwan, Bhopal, Madhya Pradesh
2. Principal Govt. Vivekanand Mahavidhayalay, Manendragarh., Chhattisgarh
3. Directorate Of Collegiate Education M.P. Bhopal., District : Bhopal, Madhya Pradesh

.....Respondents

For Applicant	:	Mr. Akash Pandey, Advocate
For State	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06.07.2018

Heard.

1. A prayer for modification/clarification of order dated 18.11.2016 passed in WPS No.405 of 2005 has been made on the submission that at the time when the order was passed in the writ petition, the applicant was working in the State of Chhattisgarh and he will only be treated as employee of working under the State of Chhattisgarh, upon reorganization of the State under the Madhya Pradesh Reorganization Act, 2000.

2. Learned counsel for the State submits that as far as legal position that after reorganization, the petitioner is an employee of the State of Chhattisgarh is not in dispute.

3. In view of the above admitted position, it is clear that the direction will be required to be complied by the Chhattisgarh counterpart of the respondent that means the State of Chhattisgarh and other authorities including the Directorate of Higher Education Chhattisgarh. Since this Court had directed holding of review

DPC, the appointing authority of the petitioner in the State of Chhattisgarh shall be under an obligation to ensure that review DPC is held in accordance with the Rules as on the date directed by this Court earlier on 18.11.2016 in WPS No.405 of 2005.

This claim is being made because during the course of hearing of the present case, the State of Chhattisgarh was represented by its counsel and in view of the provision contained in Section 82 of the Reorganization Act, the proceeding in the writ petition shall be deemed to be against the State of Chhattisgarh.

4. With the aforesaid clarification, the MCC is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha