

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 5232 OF 2018**

1. Bhuvneshwar Prasad Pathak S/o Shri Bahoran Prasad Pathak , Aged About 59 Years R/o Bramhan Para, Champa District Champa Janjgir Civil And Revenue District Champa Janjgir Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through Secretary, Department Of Transport Mahanadi Bhawan Mantralay Naya Raipur, District Raipur Chhattisgarh.
2. State Of Chhattisgarh, Through Secretary, Department Of Urban Administration And Development Mahanadi Bhavan, Mantralay Naya Raipur District Raipur Chhattisgarh.
3. Commissioner, Urban Administration And Development Directorate Raipur District Raipur Chhattisgarh.
4. The Municipal Corporation, Through The Commissioner, Municipal Corporation Raigarh District Raigarh Chhattisgarh.
5. Chhattisgarh Infrastructure Development Corporation, Through Its Managing Director, C I D C Raipur District Raipur Chhattisgarh.
6. Divisional Manager Chhattisgarh, Infrastructure, Development Department Divisional Office, Bilaspur District Bilaspur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Rajendra Tripathi, Advocate.
For Respondent-State	:	Ms. Astha Shukla, Panel Lawyer.
For Respondent No.4	:	Smt. Prabha Sharma, Advocate.
For Respondents 5&6	:	Shri Chandresh Shrivastava on behalf of Shri Sameer Behar, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21.08.2018**

1. The petitioner seeks a direction to the respondents to absorb the petitioner in service on the ground of being the employee of the erstwhile Madhya Pradesh State Road Transport Corporation (for short 'the MPSRTC'). Further, the petitioner may be considered for absorption in service of Nagar Palika Parishad, Baikunthpur according to the decision taken by the State Government in respect of absorption of employees of the erstwhile MPSRTC/CIDC.

2. The brief facts, as projected by the petitioner, are that the petitioner was an employee of the erstwhile MPSRTC as he was appointed on the post of Driver on September, 1985.
3. The erstwhile MPSRTC was dissolved w.e.f. 31-12-2002 vide notification dated 26-12-2002. The staff was to be divided on the basis of “ as is, where is” basis, as on 01-11-2000. The petitioner was working within the territorial jurisdiction of the State of Chhattisgarh.
4. Learned counsel appearing for the petitioner submits that the petitioner has been denied absorption, against the policy decision of the State Government as enshrined in Rules of absorption for absorbing erstwhile MPSRTC employees in different Corporations and Departments in the State Government.
5. Shri Tripathi further submits that the aforesaid issue came up for consideration before this Court in A.K. Dwivedi Vs. State of C.G. & Others passed in WPS No. 4245/10 decided on 06/08/10/. This Court, after having considered the facts, passed the order as under :

“Taking into consideration the facts and circumstances of the case, the policy of Absorption, the Rule of Absorption framed by the State Government in the matter of absorption of employees of erstwhile MPSRTC and further that large number of similarly situated employees have already been absorbed in various departments of the Government in implementation of the Absorption Policy and that the petitioner is going to retire on 31st August, 2010, it is directed that the case of the petitioner for absorption shall be considered by the concerned respondent authorities, strictly in accordance with the Rules of Absorption framed by the respondent No. 1, as expeditiously as possible.”

6. It is further submitted that the order passed in A.K. Dwivedi (Supra), has further been clarified in Review petition No. 97/2010 (State of Chhattisgarh & Others Vs. A. K. Dwivedi & Another) decided on 27-08-2010 to the

effect that there was no direction for absorption in a particular department or institute.

7. Learned State counsel agrees with the submission, as aforesaid, and submit that the same order may be passed in this case also.
8. Having regard to the facts, situation of the case, as aforesaid, the respondent authorities may consider absorption of the petitioner in accordance with the rules of absorption and policy decision of the State, as ordered in A.K. Dwivedi (Supra).
9. In view of the above, the writ petition is finally disposed off. No order as to costs.

Sd/-
(P. Sam Koshy)
Judge