

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6444 of 2018**

Badri Prasad Chandrakar S/o Late Nakul Ram Chandrakar, Aged About 61 Years, R/o Naya Ravan Bhata, Kumhar Bhata, Infront Of Shri Krishna Mandir, Mahasamund, Tehsil And District Mahasamund, Chhattisgarh.

---Petitioner**Versus**

1. State Of Chhattisgarh, Through The Principal Secretary, Department Of Industries, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The State Of Chhattisgarh, Through The Secretary, Revenue Department, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
3. Chhattisgarh Infrastructure Development Corporation, Through Its Managing Director, 1st Floor, Udyog Bhawan Telibandha, Raipur District Raipur Chhattisgarh.

---Respondents

For petitioner	:	Shri Abhishek Pandey, Advocate.
For respondent No.3	:	Ms. Purnima Singh, Advocate.
For State	:	Shri S.P.Kale, Dy.A.G.

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

28/09/2018

1. Learned counsel for the petitioner would submit that the petitioner was working in the erstwhile M.P.S.R.T.C., however after creation of the State of Chhattisgarh a separate Road Transport Corporation has not been constituted in the State of Chhattisgarh, therefore, his services were placed in the control of respondent/Chhattisgarh Infrastructure Development Corporation (for short 'C.I.D.C.'). He would further submit that the State Government has issued number of circulars deciding to absorb services of the employees working in the erstwhile M.P.S.R.T.C in various Corporation/Mandals in the State of Chhattisgarh and in furtherance of the said policy several employees have already been absorbed. That after the petitioner services were brought

under the control of the respondent No.3, the petitioner later on was sent on deputation to the Revenue Department and has been posted at the Tahsil office, Mahasamund where he is working as Lower Division Clerk since December-2007 onwards.

2. He submits that, the petitioner is already more than 61 years of age and has got only a short period of service left before superannuation and unless the services of the petitioner are absorbed, he would be put to substantial loss.

3. Learned counsel would further submit that for the present, the petitioner would confine his prayer for issuance of direction to the respondents to take a decision on the representation pending before the said authority. He is restricting his prayer in view of the order passed by this Court in the matters of **O.P. Singh Vs. State of Chhattisgarh & others [WPS No. 5521/2010]**, **Abdul Hakim Vs. State of Chhattisgarh & others [WPS No. 473/2013]**, **Uttam Kumar Sharma Vs. State of Chhattisgarh & others [WPS No. 476/2013]**, **Raju Pandey & others Vs. The State of Chhattisgarh & others [WPS No. 1220/2013]**, **Nandkumar Vaishnav & others Vs. The State of Chhattisgarh & others [WPS No. 1458/2013]** and **Chandrayan Singh Thakur & others Vs. The State of Chhattisgarh & others [WPS No. 2128/2013]**.

4. In view of the above, the writ petition is disposed of with a direction that in the event, the petitioner submit fresh representation before the competent authority of the respondents within a period of four weeks, the said authority shall consider and decide petitioner's representation in an objective manner keeping in view the circular issued by the State Government from time to

time, as also the orders of absorption passed with respect to the similarly placed employees, as early as possible, preferably within a period of three months from the date of submission of representation.

5. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

6. With the above observation, the writ petition is finally disposed of.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit