

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No. 4208 of 2008

1. Krishna Kumar Dheever S/o Shri Milau Ram Dheever, R/o Village And Post- Palari, Distt.- Raipur C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Public Health Engineering Department, Raipur C.G.
2. Engineer-In-Chief Public Health Engineering Department, Raipur C.G.

-----Respondents

For Petitioner	: Mr. Yash Mourya, Advocate.
For State/Respondents	: Mr. Arvind Dubey, Panel Lawyer.

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

21.06.2019

1. The claim of the petitioner in the present writ petition is to provide direction to respondents to consider and promote the petitioner from the post of Assistant Mechanic to the post of Hand Pump Mechanic.
2. The contention of the petitioner is that the petitioner was initially appointed as a daily wage worker on 01.07.1986. According to him, he continued to work with the said establishment till August, 1997. He was regularised in the department as an Assistant Mechanic. Subsequently, he has worked and fulfilled the requisite qualification for promotion to the post of Hand Pump Mechanic but till date he has not been considered by now and as such, the petitioner is deprived of his right for consideration to promotion.
3. The State Counsel, however, opposing the petition submits that the petitioner would not be entitled for promotion to the post of Hand Pump Mechanic for the reason that the petitioner is substantively an

employee under the work charge contingency establishment and he as such cannot be treated or considered as a regular government employee for promotion or to fall within the channel of promotion from the post of Assistant Mechanic to the post of Hand Pump Mechanic.

4. Having heard, the contentions put-forth on either side and on perusal of record, particularly taking note of the Order Annexure P-1 dated 06.08.1997, it clearly reflects that the department had only appointed the petitioner vide the said order and the appointment was as an Assistant Mechanic in the work charge contingency and the salary was being paid from the Work Charge Contingency Fund. This order of appointment itself clearly reveals that the petitioner, in fact, was under the work charge contingency establishment and not under regular establishment of the State Government, so as to get advantage of the channel of promotion provided under the Service Rules.
5. Given the aforesaid facts, this Court is of the opinion that the petitioner as such has not made out any strong case for grant of any relief.
6. At this juncture, however, it is mentioned that in case, if by virtue of seniority of the petitioner in the work charge establishment, if he has been regularized in the government establishment then his case may be considered as per seniority and as per the Rules and Regulations governing the field.
7. The writ petition, accordingly stands disposed off.

**Sd/-
(P. Sam Koshy)
Judge**