

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 910 of 2007

Rajendra Singh S/o Shri Raghuveer Singh Thakur, aged about 41 years, R/o village Godan, Tahsil Sarangarh, District Raigarh (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, Through Director of Rojgar and Training Mahila Polytechnic Parisar Baren Bazar, Raipur (C.G.).
2. Collector Raigarh, the President of Mini-Industrial Training Institute Samittee, Raigarh, District Raigarh (C.G.).
3. Principal of Industrial Training Institute Raigarh, District Raigarh (C.G.).
4. Principal Mini-Industrial Training, Institute Dharamjaigarh, District Raigarh (C.G.).

---Respondents

For petitioner	:	None.
For State	:	Ms. Sunita Jain, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/01/2019

1. None appears for the petitioner.
2. Considering the fact that the petition is an old Writ Petition i.e. of more than 10 years old, the same was heard with the assistance of the State counsel.
3. Present Writ Petition has been filed claiming for the following 2 reliefs:-

“(A) Issue a appropriate writ directing the respondent No.3 to take back the petitioner in service and post him at Mini Industrial Training Institute Dharamjaigarh, where he was working on contract basis.

(B) An alternative the Hon'ble Court may kindly be pleased to direct the respondent to consider the case of the petitioner at high prior basis if the respondents are appoint the training Officer on regular basis after calling on for interview.”

4. The facts relevant for adjudication of the instant Writ Petition is that, the petitioner initially was engaged as a Contractual Employee vide order dated 12/01/1998 as “Fitter-Grade-III” at the Mini-Industrial Training Institute, Dharamjaigarh, District Raigarh (C.G.). The said contractual engagement of the petitioner stood discontinued vide Annexure-P/2 which came in effect from 31/03/2000.

5. According to the petitioner, he was expecting that the project would be revived by the State Government and the petitioner would be taken back in service as the discontinuance of the petitioner was only on the ground that, the scheme of the Training Institute has been closed.

6. Having perused the record particularly the documents enclosed along with the Writ Petition and also taking note of the stand that the State Counsel has taken, this Court has no hesitation in reaching to the conclusion that, the relief sought for by the petitioner cannot be extended at this juncture particularly when more than 18-19 years have lapsed from the discontinuance of the petitioner.

7. Moreover, since the petitioner was substantively a contractual employee and his contract was discontinued in accordance with the terms of the contract, no indefeasible right as such has been created in favour of the petitioner.

8. It is not the case of the petitioner that he has been malafidely removed from service or that his contract has been discontinued or cancelled without any reason or basis.

9. In view of the same, this Court does not find any strong case made out for grant of relief sought for by the petitioner.

10. The Writ Petition thus fails and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit