

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6178 of 2010**

Kamruddin S/o Late Naziruddin, Aged 40 years R/o near BP Pujari School, near to Mr. R.K.Naidu, Raja Talab, Raipur

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of General Administration, DKS Bhawan, Raipur
2. Chhattisgarh State Human Rights Commission, Through the Chairman, Behind DKS Bhawan, Raipur

---- Respondents

For Petitioner : Shri Sudeep Johri, Advocate.

For Respondent/State : Shri Siddharth Dubey, Deputy Government Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Order on Board**01/02/2019**

1. The order dated 18.08.2009 issued under the signature of the Joint Secretary, Chhattisgarh State Human Rights Commission, disengaging the Petitioner, who was working on contract as a daily wager, has been assailed in the present writ application.
2. Admittedly, on 06.10.2001, an order was issued to engage the Petitioner on a fixed remuneration on contract for a period of 89 days. A copy of the said order is Annexure P/2. It is the case of the Petitioner that he has rendered continuous service for almost 8 years before the impugned order contained in Annexure P/1 came to be passed.
3. Learned counsel for the Petitioner submits that the long period of work which has, by and large been satisfactory, creates some kind of right in him. Before he could be disengaged, at least a show cause notice was required which was never given.
4. In addition to that, it is also contended that it is evident from the return filed on behalf of the Respondents that one of the reason for disengagement of

the Petitioner seems to be failure on the part of the Petitioner in performing his duties faithfully and honestly. From the notings which has been annexed with the return, especially Annexure R-2/1, it is evident that Annexure P/1 was issued because of certain allegations and insinuation brought against him and therefore, it cannot be treated to be a case of disengagement simplicitor.

5. No doubt the Petitioner was permitted to continue as a daily wager for about 8 years though his initial engagement was supposed to be only for 89 days. But that by itself does not alter the basic status of the Petitioner as to the circumstances under which he came to be engaged by the Human Rights Commission. He continued to be a daily wager, if not on contract and therefore, there was no question of issuing any show cause or notice before his disengagement.
6. As for the notings which have been annexed with the return of the Respondents, those are the internal notings. We have to go by the contents of the order under challenge where nothing is reflected as to the conduct or misconduct of the Petitioner. The order impugned is an order simplicitor of disengagement on the ground that his services are no longer required.
7. Since no right had accrued to the Petitioner by virtue of his continuance in the capacity he was engaged, therefore, the decision to disengage him vide order dated 18.08.2009 need not be interfered with. The writ application has no merit. It is dismissed.
8. However dismissal of the writ application may not come in the way if the Petitioner seeks common law remedy, if he has one.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE