

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 873 of 2010

1. Lachan Singh Mahilang, S/o. Late. Heera Nath Mahilang, aged about 36 years, working as Peon at Govt. Higher Secondary School, Gatasilli, Tahsil Nagari, District Dhamtari, Chhattisgarh.
2. Shanti Ba Markaam, wife of Farasram Markam, aged about 35 years, Working as Waterman at Kamar Balak Aashram, Biranasilli, Tahsil Nagari, District Dhamtari, Chhattisgarh.
3. Amrit Lal Barla, S/o. Dhan Singh, aged about 40 years, working as Peon, Govt. Higher Secondary School, Sankra, Tahsil Nagari, District Dhamtari, Chhattisgarh.
4. Jairam Samund, S/o of Goverdhan Singh Samund, aged about 42 years, working as Peon, Govt. Higher Secondary School, Sihawa, Tahsil Nagari, District Dhamtari, Chhattisgarh.
5. Devadas Manikpuri, S/o of Late, Shri Bartiya Das Manikpuri, aged about 47 years, working as Cook, Govt. Pre Metric Aaroud, Tahsil Nagari, District Dhamtari, Chhattisgarh.
6. Jaggu Lal Bhandari, S/o. Baidu Ram Bhandari, aged about 42 years, working as Peon at Aashram Middle School, Dugli, Tahsil Nagari, District Dhamtari, Chhattisgarh.
7. Rajendra Kumar Yadu, S/o Tulsi Ram Yadu, aged about 44 years, working as Peon at Govt. Higher Secondary School, Dugli, Tahsil Nagari, District Dhamtari, Chhattisgarh.
8. Jhaneshwar Lal Sahu, S/o Shri Ravi Ram Sahu, aged about 43 years, working as Peon at Govt. Middle School, Kukrale, Tahsil Nagari, District Dhamtari, Chhattisgarh.
9. Tularam Dhruv, S/o Late. Prithvi Ram Dhruvd, aged about 39 years, working as Peon at Govt. Higher Secondary School, Nagari, Tahsil Nagari, District Dhamtari, Chhattisgarh.
10. Motiram Netam, S/o Baliar Singh Netam, aged about 49 years, working as Chowkidar at Boys Hostel, Umargaon, Tahsil Nagari, District Dhamtari, Chhattisgarh.
11. Mahesh Kumar Sahu, S/o Shri Ram Chandra Sahu, aged about 41 years, working as Peon at Govt. Middle School Ratawa, Tahsil Nagari, District Dhamtari, Chhattisgarh.

12. Nakul Ram Verma, S/o Biseshwar Prasad Verma, aged about 42 years, working as Chowkidar at Govt. Girls Hostel, Sihawa, Tahsil Nagari, District Dhamtari, Chhattisgarh.
13. Keshav Ram Sahu, S/o Dasrath, aged about 38 years, working as Peon at Govt. Middle School, Dargahan, Tahsil Nagari, District Dhamtari, Chhattisgarh.
14. Bhagwan Singh Markam, S/o Kejau Ram Markam, aged about 42 years, working as Peon at Govt. Middle School, Belargaon, Tahsil Nagari, District Dhamtari, Chhattisgarh.
15. Tameshwar Prasad Sahu, S/o Late, Heera Ram Sahu, aged about 38 years, working as Peon at Govt. Middle School, Baxarkuridih, Tahsil Nagari, District Dhamtari, Chhattisgarh.
16. Gaiind Singh Bhramdev, S/o Heeraman Bhramdev, aged about 44 years, working as Govt. Middle School, Sihayarinala, Tahsil Nagari, District Dhamtari, Chhattisgarh.
17. Shravan Kumar Yadav, S/o Late. Aagnu Ram Yadav, aged about 39 years, working as Peon at Govt. Middle School Semra, Tahsil Nagari, District Dhamtari, Chhattisgarh.
18. Gyan Chand Bhandari, S/o Bhagwan Bhandari, aged about 42 years, working as Peon at Govt. Middle School, Umargaon, Tahsil Nagari, District Dhamtari, Chhattisgarh.

---- Petitioners

Versus

1. State of Chhattisgarh, through Secretary, Department of Tribal Welfare and development, Dau Kalyan Singh Bhawan, Raipur, Chhattisgarh.
2. State of Madhya Pradesh, through Secretary, Department of Tribal Welfare and Developement, Vallabh, Bhawan, Bhopal, M.P.
3. Commissioner, Adivasi Vikas, Raipur, Chhattisgarh.
4. Commissioner, Adivasi Vikas, Bhopal, M.P.
5. Collector, Aadim Jati Kalyan Branch, Dhamtari, Tahsil and District Dhamtari, Chhattisgarh.
6. Assistant Commissioner, Adivasi Vikas Tribal, Dhamtari, Chhattisgarh.

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For Petitioners	:	Mr. Harish Khuntiya, Advocate
For State	:	Ms. Astha Shukla, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22/01/2019

The present petition under Article 226 of the Constitution of India has been filed for a direction to the respondents to grant regular pay-scale to the petitioners under the contingency services immediately on completion of three years of service from the initial date of appointment.

2. Learned counsel for the petitioners submits that the petitioners are in employment from 1992 to 1995 and therefore they are entitled for grant of regular pay-scale after completion of three years service. He further submits that similar reliefs have already been granted to certain persons whose services were also regularized in the State Government in the year 2008. He refers to an order dated 10.03.2015 stating that the said order is in respect of identically placed persons.

3. At this juncture, learned State counsel submits that it would be better if the petitioners file detailed fresh representation to respondent no.6 along with all relevant documents in support of their claim including the orders of the State Government as also the orders of the High Court in other connected petitions. She further submits that in case representation is made, the respondent no.6 will decide the same within a further period of three months from the date of receipt of the representation.

4. The proposal of the State counsel is acceptable to the counsel for the petitioners.

5. Accordingly, the present writ petition stands disposed of with liberty to the petitioners to file fresh representation to respondent no.6 along with all relevant documents in this regard giving benefit to similarly placed persons and on such representation being made, respondent no.6 shall dispose off the same within a period of 90 days from the date of receipt of the representation.

6. It is made clear that this Court has not expressed any opinion so far as the entitlement of the petitioners are concerned. The Authorities shall be free to take a decision purely in accordance with the rules governing the field.

7. No order as to costs.

Sd/
(P. Sam Koshy)
Judge

Khatai