

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 85 of 2019**

*{Arising out of order dated 13.11.2018 passed by learned Single Judge in Writ Petition
(S) No. 7420 of 2018}*

1. Ajay Mehta, S/o Kalika Prasad, aged about 48 years,
2. Ramdas, S/o Arjun Das, aged about 32 years,
3. Premlata Sinha, D/o Santosh Sinha, aged about 47 years,
4. Shanti Ekka, D/o P. Toppo, aged about 44 years,
5. Shivilal Minj, S/o Ramchandra, aged about 50 years,

All are R/o Village Lundra, Ambikapur, District Surguja (C.G.)

---- Appellants

Versus

1. The State of Chhattisgarh, Through its Secretary, Department of Woman and Child Development, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
2. The District Programme Officer, Department of Woman and Child Development, District Surguja (C.G.)
3. The Collector, Ambikapur, District Surguja (C.G.)

---- Respondents

For Appellants	:	Shri T.K. Tiwari, Advocate.
For Respondents/State	:	Shri Vaibhav Kartikeya Agrawal, Panel Lawyer.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board

Per P. R. Ramachandra Menon, Chief Justice

04.07.2019

1. Dismissal of the writ petition as per judgment dated 13.11.2018 passed by the learned Single Judge is put to challenge by the Petitioners who lost the battle with regard to the claim for regularization/absorption in government service

despite the fact that they were appointed only for a particular project and the project has been virtually wound up, as per the proceedings in the year 2006.

2. Heard the learned counsel appearing for the Appellants as well as the learned counsel representing the State.
3. It is revealed from the sequence of events as referred to by the learned Single Judge, that the Appellants under a particular scheme implemented by the State in response to the proposal of the Central Government. The said project was subsequently put on end to in the year 2006 by the State Government. This was sought to to be challenged by the aggrieved persons including the Petitioners by filing writ petition, which came to be dismissed. Though, an appeal was preferred by the Petitioners against the verdict, it was withdrawn with liberty to file a representation before the Government and to have the remedy pursued accordingly.
4. It is stated that the representation preferred before the Government did not invoke any positive response. While so, some of the employees who lost the case before this Court had approached the Supreme Court. The Apex Court did not find it fit to interdict the verdict passed by this Court and finalized the SLP as per the order dated 29.04.2016, which is in the following terms:

“We find from the impugned order that the petitioners here had withdrawn their appeals filed before the Division Bench of the High Court whereby the order of the learned Single Judge was challenged. The impugned order further reflects that the petitioners herein after withdrawing the appeals wanted to pursue the matter with the authorities concerned, in view thereof, the present special leave petitions are not maintainable. However, we make it clear that once the representation is filed that shall be considered by the concerned authorities, in accordance with law.”

5. The turn of events was taken note of by the learned Single Judge in the instant case. It was also observed that, the Petitioners herein had earlier approached this Court by filing the Writ Petition Nos. 5997 of 2006 and 6157 of 2006 which

came to be dismissed as per order dated 10.08.2015, which was the subject matter of challenge in the Writ Appeal Nos. 411 of 2015 and 412 of 2015. Interference was declined by the Division Bench (in which the learned Judge who passed the present verdict was also a member) and the verdict under challenge was affirmed by the Bench. It is with reference to the above factual sequence, that interference has been declined.

6. We do not find any tenable ground to call for interference. The verdict passed by the learned Single Judge is perfectly within the four walls of the law and is not liable to be assailed under such circumstances.
7. Interference is declined. The appeal alongwith I.A. No. 1 of 2019, application for condonation of delay, stands dismissed.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge