

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 901 of 2019

Nohar Singh Patel S/o Varun Lal Patel Aged About 35 Years Working As Data Entry Operator (Asst. Reader) Office Of Lokpal MNREGA District Raigarh, Permanent R/o Village Mouhapali, Tahsil Dabhra, District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, New Raipur, P.S. Rakhi, District Raipur Chhattisgarh.
2. Commissioner MANREGA Parishad Department President Office, Indrawati Bhawan, Block II, Second Floor New Raipur, District Raipur Chhattisgarh.
3. The Collector Raigarh, District Raigarh Chhattisgarh
4. The Chief Executive Officer Zila Panchayat, Raigarh, District Raigarh Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Tarun Dansena, Advocate
For State	:	Mr. Saleem Kazi, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/02/2019

1. The petitioner for the post about 3 years has been working with the respondents as a Data Entry Operator on contract basis. The contract was being extended annually from time to time.
2. The grievance of the petitioner is that the last contract of the petitioner stood extended on 02.01.2019 vide Annexure P/2 and the contract period was up till 31.03.2019. However, abruptly before the conclusion of the contract period, the services of the petitioner has been discontinued vide order dated 11.01.2019. The reasons assigned in the said order was non-requirement of the petitioner's services any further.

3. Since the substantive appointment of the petitioner was of contractual nature, this Court is of the firm view that the petitioner as such does not have an indefeasible right, nor can this Court under writ jurisdiction direct the respondents to continue the services of the petitioner when the respondents on administrative side reach to the conclusion that his services are no longer required.
4. Given the said facts, this Court finds it difficult to interfere with the impugned order. However, it is made clear that in the event, at a latter stage, if the respondents feel that there is a requirement of such nature of employment, the concerned authority i.e. the respondent No.4 should bear in mind the case of the petitioner and similarly placed persons, if any, granting them preferential treatment for their past experiences that they have rendered and the fact that they were not discontinued on account of any unsatisfactory work and the fact that they had in fact worked for a period of more than 3 years with the respondents.
5. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge