

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 874 of 2010

1. Makhan Lal Patel, S/o Late. Pyari Lal Patel, aged about 41 years, working as Peon at Govt. Higher Secondary School, Bhupdeopur, Tehsil Kharsiya. District Raigarh, Chhattisgarh.
2. Ashok Kumar Dewangan, S/o Late. Neelambar Prasad Dewangan, aged about 49 years, working as Peon at Govt. Higher Secondary School, Madanpur, Tahsil Kharsiya, District Raigarh, Chhattisgarh.
3. Goverdhan Behra, S/o Thakur Ram Behra, aged about 44 years, working as Peon, Govt. Boys Middle School, Gharghoda, Tahsil Gharghoda, District Raigarh, Chhattisgarh.
4. Bansiram Paikra, S/o Shri Nanhu Ram Paikra, aged about 40 years, working as Peon, Govt. Middle School, Charbhatta, Tahsil Gharghoda, District Raigarh, Chhattisgarh.
5. Shyam Sundar Mehar, S/o of Late Handu Ram Mehar, aged about 41 years, working as Water man, Govt. Higher Secondary School, Tiur, Tahsil Kharsiya, District Raigarh, Chhattisgarh.
6. Rameshwar Sahu, S/o Balak Ram Sahu, aged about 40 years, working as Peon at Govt. Middle School, Chotemudpur, Tahsil Kharsiya, District Raigarh, Chhattisgarh.
7. Pramod Kumar Rajpur, S/o Harihar Kumar, aged about 41 years, working as Peon at Govt. Middle School, Paraskole, Tahsil Kharsiya, District Raigarh, Chhattisgarh.
8. Ram Avtar Dhruv, S/o Balram Dhruv, aged about 43 years, working as Peon at Govt. High School, Teram, Tahsil Gharghoda, District Raigarh, Chhattisgarh.
9. Dukalu Prasad Sidar, S/o of Bhog Singh Sidar, aged about 40 years working as Peon, Govt. Girls High School, Bijna (Tamnar), Tahsil Gharghoda, District Raigarh, Chhattisgarh.
10. Ishwar Prasad Nayak, S/o Sundar Lal Nayak, aged about 39 years, working as Waterman at Middle School, Anjoripali, Tahsil Kharsiya District Raigarh, Chhattisgarh.
11. Chitra Kumar Yadav, S/o Late Panch Ram Yadav, aged about 43 years, working as Waterman at Govt. Higher Secondary School, Madanpur, Tahsil Kharsiya, District Raigarh, Chhattisgarh.

12. Sadhoram Sao, Son of Ganesh Ram Sao, aged about 40 yearsf, working as Peon at Govt. Higher Secondary School, Jharadih, Tahsil Kharsiya, District Raigarh, Chhattisgarh.
13. Kuber Prasad Nayak, Son of Late. Mohan Singh Nayak, aged about 33 years, working as waterman at Govt. Middle School, Baikunthpur (Sodka), Tahsil Kharsiya, District Raigarh, Chhattisgarh.
14. Raju Ratre, Son of Ganesh Ram Ratre, aged about 40 years, working as Peon at Govt. Higher Secondary School, Ghodi, Tahsil Tamnar, District Raigarh, Chhattisgarh.
15. Karlina Ekka, Daughter of Lukas Tirkey, aged about 46 years, working as Peon at Govt. Higher Secondary School, Ghodi, Tashil Tamnar, District Raigarh, Chhattisgarh.
16. Ramesh Kumar Sao, Son of Shashidhar Sao, aged about 40 years, working as Peon at Govt. Higher Secondary School, Barra, tahsil Kharsiya District Raigarh, Chhattisgarh.
17. Roop Lal Yadav, Son of Late. Nanku Ram Yadav, aged about 39 years, working as Peon at Govt. Higher Secondary School, Sonbarsa, Tahsil Kharsiya, District Raigarh, Chhattisgarh.
18. Jeevan Lal Yadav, Son of Sahni Ram Yadav, aged about 41 years, working as Peon at Govt. Higher Secondary School, Sonbarsa, Tahsil Kharsiya, District Raigarh, 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 Development, Vallabh, Bhawan, Bhopal, M.P.
3. Commissioner, Adivasi Vikas, Raipur, Chhattisgarh.
4. Commissioner, Adivasi Vikas, Bhopal, M.P.
5. Collector, Aadim Jati Kalyan Branch, Raigarh, Tahsil and District Raigarh, Chhattisgarh.
6. Assistant Commissioner, Adivasi Vikas Tribal, Raigarh, Chhattisgarh.

---- **Respondents**

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 1994 to 1997 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