

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 875 of 2010

1. Santosh Prasad, S/o Anjani Prasad, aged about 38 years, working as Peon Block Education Officer, Jashpur, Residencel of Jashpur, District Jashpur, Chhattisgarh.
2. Shrikant Kumar, S/o Biseshwar Prasad, aged about 37 years, working as Peon, Pre-matric Boys Hostel Aara, District Jashpur, Chhattisgarh.
3. Badrinath Tiwari, S/o Rammadi Tiwari, aged about 38 years, working as Peon, Govt. Model Higher Secondary School, Jashpur, District Jashpur, Chhattisgarh.
4. Jai Prakash Paikar, S/o Sukhnath Paikra, aged about 42 years, working as Waterman, Govt. Higher Secondary School, Narayanpur, Tahsil Kunkuri, District Jashpur, Chhattisgarh.
5. Gopal Kumar, Son of Brijmohan Biswal, aged about 35 years, sweeper, Govt. Higher Secondary School, Narayanpur, Tahsil Kunkuri, District Jashpur, Chhattisgarh.
6. Laxmidhar Ram, S/o Shri Biseshwar Ram, aged about 37 years, working as Waterman, Govt. High School Kurdeg, Tahsil Bagicha, District Jashpur, 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, jashpur, Tahsil and District Jashpur, Chhattisgarh.
6. Assistant Commissioner, Adivasi Vikas Tribal, Jashpur, 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 1995 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