

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 776 of 2009

Nagar Nigam Samast Karmachari Sangh Registration No. 3098, Through Kashi Prasad Kaursia, S/o Ram Dayal Kaurisia, aged about 71 years, R/o Ram Nagar Gondpara Ward No. 20, Near CIMS Hospital Bilaspur (CG).

---- Petitioner(s)

Versus

1. State of Chhattisgarh through Secretary, Urban Administration Department, DKS Bhawan, Raipur (CG).
2. Municipal Corporation Bilaspur Through Commissioner Municipal Corporation Bilaspur (CG).

---Respondents

For Petitioner	:	None
For Respondent-State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05.07.2019

1. The claim of the petitioner was for a direction to the respondents to quash the order dated 23.01.2009 passed by the Commissioner and to grant 20 percent DA to the members of the petitioner-union.
2. Prima facie, this court is of the opinion that the present writ petition would not be sustainable in the representative capacity as the dispute of service matter can be raised only by an employee whose right has been infringed by the action of the respondents or his service conditions have been adversely affected by any of the orders of the State Govt.
3. The matter by efflux of time also seems to have become infructuous for the reason that the State Govt. subsequently has issued an order granting benefit of 6th Pay Commission to the employees of the Municipal Corporation w.e.f. 01.01.2006 and there also seems to be an order dated 17.09.2009 whereby they have ordered for granting of 20 percent as interim relief. Both these orders are enclosed with the reply of the respondents as Annexures R-1/1 and R-2/A. Under the circumstances, this court is of the opinion that the matter has become infructuous.
4. The writ petition accordingly stands dismissed as having become infructuous.

Sd/-
(P. Sam Koshy)
Judge