

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1547 of 2019**

Ganesh Kumar Sharma S/o Late Shri Sitaram Sharma Aged About 55 Years Occupation Appointed As Sub Engineer (Civil) In The Office Of Executive Engineer, P. W. D. Raigarh Division, At Present Working As S. D. O. (P. W. D.) Sub Division Dharamjaigarh, District Raigarh Chhattisgarh R/o Palace Road, Kosta Para, Raigarh Tahsil And District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Works Department, Mantralaya, Naya Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Engineer In Chief Public Works Department, Sirpur Bhawan, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Chief Engineer Public Works Department, Bilaspur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
4. Executive Engineer Public Works Department, Raigarh Division, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Abhishek Saraf, Advocate
For State	:	Ms. Sunita Jain, GA.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/03/2019**

1. During the course of the argument counsel for the petitioner makes an oral prayer permitting the petitioner amending the prayer clause.
2. Not opposed.
3. Accordingly, the oral request stands allowed. Let necessary amendment be carried out during the course of the day.

4. The claim of the petitioner is for grant of seniority from the initial date of appointment. This Court in the past have disposed off many similar writ petitions in the light of the decision of the State Administrative Tribunal.
5. Learned counsel appearing for the petitioner submits that the petitioner was initially appointed as Sub Engineer on ad hoc basis on 15.03.1985 against the vacant post. The services of the petitioner were continued with artificial break of two or three days in service and worked continuously till the date of his regularization. The petitioner was given the benefits of annual increments.
6. The similarly situated employees have approached the State Administrative Tribunal (for short ("SAT")) in Original Application No. 1979/91 (Satish Kumar Mandloi Vs. State of M.P. And another) praying for similar relief as sought for in this petition. Learned counsel appearing for the petitioner submits that this case may also be disposed off in the same terms and conditions.
7. Learned counsel for the State in the light of the order of the SAT as aforestated, submits that after verifying the facts of the case, petitioner's case shall be considered.
8. In view of the foregoing and categorical statement made by the learned counsel appearing for the State, this petition is allowed in the

same terms i.e. if the Committee finds the petitioner suitable for the post in all respect, he shall be regularized on the post held by him and shall also pay him salary on regular scale. He shall be entitled to salary for the dates on break in service. His seniority shall be counted from the date of his initial appointment.

9. Needless to mention that this Court has not expressed any opinion on the merits of the case so far as the entitlement of the petitioner is concerned. The Committee considering the case of the petitioner is expected of taking decision in accordance with the rules and regulations governing the field.

10. No costs.

Sd/-
(P. Sam Koshy)
Judge

Rohit