

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWA No. 244 of 2019

- Ravishankar Dhimar S/o Late Shri L. N. Dhimar Aged About 44 Years Working As Sub Engineer (Mechanical), Municipal Corporation, Durg, R/o Near Khandelwal Colony, Suryoday Nagar, Ward No. 37, Durg, District Durg Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development, Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur District Raipur Chhattisgarh.
2. The Collector, Directorate Of Urban Administration And Development, Indrawati Bhawan, Raipur Chhattisgarh.
3. The Commissioner, Municipal Corporation, Durg, District Durg Chhattisgarh.

---- Respondents

For Appellant	:-	Shri Tarendra Kumar Jha, Advocate
For Respondent-State	:-	Shri Vikram Sharma, PL

Hon'ble Shri Prashant Kumar Mishra, Ag. CJHon'ble Shri Parth Prateem Sahu, J.Order on BoardByPrashant Kumar Mishra, Ag. CJ

30/04/2019

1. Appellant's (for brevity 'the petitioner') writ petition assailing the legality and validity of the order dated 31.01.2019 has been dismissed for the reason that the petitioner being a contract appointee and his services being governed under the Chhattisgarh Civil Services (Contractual Appointment) Rules, 2012, he is not entitled for continuance once the said rules have been invoked for discontinuance of service.
2. We have seen the papers filed in the writ petition as well as the additional documents filed before this Court.
3. Petitioner's discontinuance has been ordered by invoking Clause 11(5) of the Rules, 2012, which has been extracted in Para 4 of the impugned order passed by the learned Single Judge. It clearly appears that the Rule confers power on the Appointing Authority to discontinue the contract appointment after serving one month notice which has been done in the instant case.
4. Petitioner having no right to hold the post as he was not a regular appointee, his discontinuance by adhering Rule 11(5) of the Rules is neither illegal nor arbitrary. Merely because the petitioner expects a fresh scheme of regularization he could not be continued in service if it is otherwise in accordance with law.

5. No interference with the impugned order passed by the learned Single Judge is called for. Writ appeal is dismissed.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

Ankit