

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.2856 OF 2019**

1. Birendra Kumar S/o Bhuwan Lal Aged About 35 Years R/o Village And P.O. Gayatri Nagar Dundera, P.S. Utai, Durg Tahsil Durg, District- Durg, Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
2. The Collector Durg, District- Durg, Chhattisgarh.
3. The Chief Executive Officer Zila Panchayat Durg, District- Durg, Chhattisgarh.
4. The Additional Chief Executive Officer Zila Panchayat Durg, District- Durg, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Jitendra Nath Nande, Advocate.
For Respondent-State	:	Shri Anshuman Shrivastava, PL.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15.04.2019**

1. Challenge in this petition is to the order dated 11.01.2019 (Annexure P/1) whereby the contractual appointment of the petitioner has been discontinued after paying one months' salary in lieu of notice. Discontinuance has been done on account of petitioner getting involved in a criminal case and where the petitioner was arrested and was under custody of more than 48 hours.
2. Given the aforesaid factual matrix of the case as is revealed from Annexure P/1, this court is of the opinion that prima facie the impugned order does not seem to be in contravention or in violation of the conditions of contractual appointment. Moreover, the substantive contractual period also has since got lapsed and thereafter the petitioner may not have any indefeasible right in his favour for further continuance.

3. In view of the above, this court is of the opinion that no strong case is made out calling for an interference with the impugned order dated 11.01.2019. However, non interference by this court would not preclude the petitioner from approaching the authorities concerned for renewal of his contract afresh and for which the petitioner may make a suitable representation in this regard to the authorities in the department, who may consider and decide the same on its own merits.
4. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge