

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 3097 of 2019

1. Anand Karosia S/o Mangal Karosia, Aged About 42 Years, R/o Near Kali Mandir, Ward No. 31, Sidarth Nagar Durg, Tehsil And District Durg, Chhattisgarh
2. Preeti D/o Balaram, Aged About 30 Years, R/o Qr. No. 150, Near Ramdev Mandir, Ward No. 35, Durg Tehsil And District Durg, Chhattisgarh
3. Guddi Bai D/o Kundan, Aged About 42 Years, R/o 488, Sidarth Nagar Durg, Tehsil And District Durg, Chhattisgarh
4. Kirti D/o Bhaiya Lal Samundre, Aged About 40 Years, R/o 98, Ward No. 39, Sidarth Nagar Durg, Tehsil And District Durg, Chhattisgarh
5. Dulichand Samudre S/o Bhurva, Aged About 37 Years, R/o Ward No. 35, Sidarth Nagar Durg, Tehsil And District Durg, Chhattisgarh
6. Santoshi Daggar D/o Chote Lal, Aged About 42 Years, R/o 106, Apapura, Sidarth Nagar Durg, Tehsil And District Durg, Chhattisgarh

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through Secretary, Departmental Of Urban Administration And Development, Mantralaya Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
2. Director, Department Of Urban Administration And Development, Mantralaya Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
3. Commissioner, Municipal Corporation Durg, Tehsil And District Durg Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. C. K. Sahu, Advocate
For Respondents 1 & 2	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/04/2019

1. The relief sought for by the petitioners in the present writ petition is for a direction to the respondents to consider the claim of the petitioners for grant of appointment on the post of Sweeper under respondent no.3.
2. The claim of the petitioners is that their parents had been working under respondent no.3 as sweeper and have retired from service on different dates. According to the petitioners, in Rule 8-A of the Chhattisgarh Municipal Corporation (Appointment and Conditions of Service of Officers and Servants) Rules, 2007 (in short ' the Rules, 2007') there is a provision of preferential right to the members of the family who have retired as sweeper from the department. According to the petitioners, they ought to have been considered by respondent no.3 for appointment invoking the said rules.
3. Perusal of the record would show that the respondents have rejected the case of the petitioners on account of the fact that presently there is no vacant post available as is revealed from the documents collectively marked as Annexure P-4. Though the petitioners have not challenged the rejection order in the present writ petition but what cannot be brushed aside is the fact that the provisions of the Rules, 2007 still stand in force and the petitioners have a preferential right.
4. Accordingly, the writ petition stands disposed of with a direction that as and when respondent no.3 initiate recruitment process, they are expected to keep in mind the provisions of Rule 8-A of the Rules, 2007 granting preferential treatment to the family members of the retired sweepers in the department.
5. With the aforesaid direction, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge