

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.3119 OF 2019**

Dhanurjay Kosariya S/o Sandhau Kosariya, Aged About 45 Years Working As Peon, At Government Pre Metric Adivasi Girls Hostel, Gadfuljhar, Block Basna, District Mahasamund Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through Secretary, Tribal Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Commissioner, Tribal Welfare Department, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Director, Lok Shikshan Sanchanalaya, Indrawati Bhawan, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Assistant Commissioner, Tribal Welfare Department, Mahasamund, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

... Respondent(s)

For Petitioner	:	Shri Harish Khutia, Advocate.
For Respondent-State	:	Shri P. Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29.04.2019

1. The present petition under Article 226 of the Constitution of India has been filed for a direction to the respondents to grant regular pay-scale to the petitioner under the contingency services immediately on completion of three years of service from the initial date of appointment.
2. Learned counsel for the petitioner submits that the petitioner is in employment since 30.07.1994 and therefore he is entitled for grant of regular pay-scale after completion of three years service. He further submits that similar reliefs have already been granted to certain persons whose services were also regularized in the State Government in the year 2008. He refers to an order dated 10.03.2015 stating that the said order is in respect of identically placed persons.
3. At this juncture, learned State counsel submits that it would be better if the petitioner files detailed fresh representation to respondent no.4 along with all relevant documents in support of his claim including the orders of the

State Government as also the orders of the High Court in other connected petitions. He further submits that in case representation is made, the respondent no.4 shall decide the same within a further period of three months from the date of receipt of the representation.

4. The proposal of the State counsel is acceptable to the counsel for the petitioner.
5. Accordingly, the present writ petition stands disposed of with liberty to the petitioner to file fresh representation to respondent no.4 along with all relevant documents in this regard giving benefit to similarly placed persons and on such representation being made, respondent no.4 shall dispose off the same within a period of 90 days from the date of receipt of the representation.
6. It is made clear that this Court has not expressed any opinion so far as the entitlement of the petitioner is concerned. The Authorities shall be free to take a decision purely in accordance with the rules governing the field.
7. No order as to costs.

Sd/-
(P. Sam Koshy)
Judge