

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 443 of 2019**

*{Arising out of order dated 25.07.2018 passed by the learned Single Judge in Writ
Petition (S) No. 1931 of 2008}*

1. State of Chhattisgarh, Through – Secretary, Department of Water Resources,
DKS Bhawan (now Mahanadi Bhawan), Atal Nagar, District Raipur (C.G.)
2. The Engineer-in-Chief, Water Resources Department, Raipur (C.G.)
3. The Sub Divisional Officer, Water Resources Department, Kodar, Mahasamund
(C.G.)
4. The Executive Engineer, Water Resources Department, Mahasamund, District
Mahasamund (C.G.)

---- Appellants

Versus

- Bismat Bai, Wd/o Late Shri Anand, aged about 60 years, Caste Satnami,
Working as permanent Gangman, R/o Village Bhoring, P.S. Tumgaon, Tahsil &
District Mahasamund (C.G.)

---- Respondent

For Appellants/State : Shri Sudeep Agrawal, Deputy Advocate General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board

Per P. R. Ramachandra Menon, Chief Justice

05.11.2019

1. This appeal arises from the judgment dated 25.07.2018 passed by the learned
Single Judge, whereby the matter was finally disposed off with reference to the

law laid down by this Court in the case of **Govind and others vs. State of C.G. and others** reported in **2007 (2) C.G.L.J. 29**, which is stated as governing the field. The appeal is belated by 253 days and hence it is sought to be condoned by filing an application (IA No. 1 of 2019) in this regard.

2. The learned Deputy Advocate General submits that the law sought to be relied on as above, is not applicable to the case in the hand, as the Respondent, who was the writ Petitioner was engaged only as a daily wage employee who was never in the permanent service of the Government; whereas the dictum laid down in **Govind and others** (supra) is in respect of a 'permanent employee', and hence the challenge. If this be the grievance, it is for the Appellants to bring it to the notice of the learned Single Judge by way of appropriate proceedings, to consider whether there was any error apparent on the face of record. This is more so, in view of the ruling rendered by the Supreme Court in the case of **State of Andhra Pradesh and others vs. G.M. Morey** reported in **(1982) 2 SCC 436**.
3. In the said circumstances, the learned Deputy Advocate General seeks for permission to withdraw the matter without prejudices to the rights and liberties in this regard.
4. Permission is granted. The writ appeal and the application for condonation of delay are dismissed as withdrawn.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge