

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4977 of 2019**

Durgesh Kumar Tamboli S/o Shri Hariram Tamboli, Aged About 31
Years R/o Village And Post Ranigaon, Police Station Ratanpur, Tahsil
Kota, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural
Development Department Mantralay, Mahanadi Bhavan, Atal Nagar,
District Raipur Chhattisgarh
2. Chief Executive Officer, Janpad Panchayat Bilha, District Bilaspur
Chhattisgarh
3. General Administrative Committee, Janpad Panchayat Bilha, District
Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Shantam Awasthi, Advocate.
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

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

09/07/2019

1. The challenge in the present writ petition is to the order Annexure P-1 dated
29.04.2019 passed by respondent no.2. Vide the impugned order the
services of the petitioner have been discontinued.
2. Perusal of the impugned order would show that the substantive status of
the petitioner was that of a daily wage Data Entry Operator engaged on
contractual basis and who has been working with the Department since
2013. The discontinuance was on an audit objection that was raised by the
Accountant General Department.

3. All said and done, the substantive status of the petitioner remained as a daily wage employee and therefore he does not have any indefeasible right to continue in the employment of the respondents in spite of the fact that there is non-availability of work. At the same time, what cannot be lost sight is that the respondents themselves have given an assurance that in the event of there being availability of work in future they shall intimate the petitioner and shall be again offering appointment to the petitioner.
4. Given the assurance given by the respondents vide their order dated 29.04.2019, this Court is of the opinion that no further direction as such is required and the writ petition accordingly stands disposed of.
5. It is made clear that in the event of availability of work and the Department intends to take work on daily wage basis, the Department shall consider the case of the petitioner by giving him preferential treatment for the reason that the petitioner has served the Department for about 5 years in the similar capacity and also the petitioner happens to be in the capacity of a person with disability.

Sd/-
(P. Sam Koshy)
Judge