

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 5122 of 2019**

Karuram Kashyap S/o Shri Mangduram Kashyap Aged About 35 Years R/o Village Bheja, Post Office-Binta, Block-Lohandiguda, District- Bastar, Chhattisgarh.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralya New Raipur, P.S. Kewli, Tahsil And Revenue District- Raipur, Chhattisgarh.
2. Chief Executive Officer Zila Panchayat Bastar, Jagdalpur, District- Bastar, Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat Lohandiguda, District- Bastar, Chhattisgarh.

**---Respondents**

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|----------------|---|-------------------------------------|
| For Petitioner | : | Mr. Navin Shukla, Advocate          |
| For State      | : | Mr. Chandresh Shrivastava, Dy. A.G. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**15/07/2019**

1. The challenge in the present writ petition is to the discontinuance of the service from the post of Employment Assistant w.e.f. 17.01.2019 and the relief sought for is for an appropriate direction for reinstatement with consequential benefits. The petitioner also submits that he has worked in the previous 28 months with the respondents, but has not been paid a single penny towards his wages.
2. Perusal of the record would reveal that the substantive appointment of the petitioner was on contractual basis and that contract specifically mentioned the period of his engagement. The contractual appointment also shows that it could be discontinued at any moment of time and he would not be entitled for any benefit. Though, according to the petitioner, he has worked till 17.01.2019, but even if it is to be accepted, it would be only in the capacity of a contract labour. It is settled position of law that a contractual labour

would not have an indefeasible right against the post he is working in the Department, particularly if the contract period itself has expired in between.

3. Under the circumstances, this Court finds that the petitioner may not have any good case for reinstatement in employment as such. However, so far as the non-granting of salary for the 28 months is concerned, subject to verification of facts by the respondents No. 2 & 3 as to whether the petitioner has in fact physically discharged his duties during the intervening period of 28 months period as claimed by the petitioner and in the event if the petitioner has worked, he would be entitled for the wages for the said period and the respondents No. 2 & 3 should make arrangements for the release of the same.
4. It is made clear that in case if in the inquiry, it is found that the petitioner has not discharged his duties, he would not be entitled for any benefit.
5. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-  
**(P. Sam Koshy)**  
**Judge**

Ved