

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5115 of 2019

Bhikharu Ram Mourya S/o Shri Shankar Singh Mourya Aged About 32 Years
R/o Village And Post Binta, District Bastar Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, Police Station Kewli, Tahsil Civil 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

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

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 18 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 18 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 18 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