

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6945 of 2018

1. Dr Hari Prasad Agrawal S/o Late Shri Bacharaj Aggrawal Aged About 58 Years R/o Indira Gandhi Krishi Vishyavidhayalaya Barrister Thakur Chhedilal College Of Agriculture And Research Station, Sarkanda, Bilaspur, Tehsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Dr. Ravi Kumar Bisen S/o Late Shri S.N. Bisen Aged About 59 Years R/o Indira Gandhi Krishi Vishyavidhayalaya Barrister Thakur Chhedilal College Of Agriculture And Research Station, Sarkanda, Bilaspur, Tehsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Dr. Jagat Ram Patel S/o C.S. Patel Aged About 58 Years R/o Indira Gandhi Krishi Vishyavidhayalaya Barrister Thakur Chhedilal College Of Agriculture And Research Station, Sarkanda, Bilaspur, Tehsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Dr. Ajay Prakash Agrawal S/o Late Shri A.N. Agrawal Aged About 54 Years R/o Indira Gandhi Krishi Vishyavidhayalaya Barrister Thakur Chhedilal College Of Agriculture And Research Station, Sarkanda, Bilaspur, Tehsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
5. Dr. Ram Kumar Singh Tomar S/o Late J.P.S. Tomar, Aged About 53 Years R/o Indira Gandhi Krishi Vishyavidhayalaya Barrister Thakur Chhedilal College Of Agriculture And Research Station, Sarkanda, Bilaspur, Tehsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
6. Dr. Alok Kumar Awasthi S/o Shri Ram Mohan Awasthi Aged About 57 Years R/o Indira Gandhi Krishi Vishyavidhayalaya Barrister Thakur Chhedilal College Of Agriculture And Research Station, Sarkanda, Bilaspur, Tehsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
7. Dr. Ravindra Kumar Shukla S/o Shri Nanak Ram Shukla Aged About 58 Years R/o Indira Gandhi Krishi Vishyavidhayalaya Barrister Thakur Chhedilal College Of Agriculture And Research Station, Sarkanda, Bilaspur, Tehsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
8. Dr. Tulsi Das Pandey S/o Late Shri Ram Kripal Pandey Aged About 55 Years R/o Indira Gandhi Krishi Vishyavidhayalaya Barrister Thakur Chhedilal College Of Agriculture And Research Station, Sarkanda, Bilaspur, Tehsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
9. Dr. Nand Kishor Chaure S/o Shri Balram Singh Aged About 53 Years R/o Indira Gandhi Krishi Vishyavidhayalaya Barrister Thakur Chhedilal College Of Agriculture And Research Station, Sarkanda, Bilaspur, Tehsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

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Versus

1. Election Commission Of India Through Chief Electoral Officer Chhattisgarh Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. District Election Officer Cum Collector Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

3. Sub Divisional Officer And Electoral Registration Officer, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Chief Electoral Officer, Raipur., District : Raipur, Chhattisgarh

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AND

WPS No. 7557 of 2018

1. Dr. Durga Prasad Bisen S/o Shri Deokaran Bisen Aged About 53 Years Professor In The Subject Of Physics At Pt. Ravi Shankar Shukla University, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Dr. Shivkant Prasad Singh S/o Ambika Prasad Singh Aged About 56 Years Professor In The Subject Of Life Sciences At Pt. Ravi Shankar Shukla University, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Dr. Manas Kanti Deb S/o Late Kali Pada Deb Aged About 54 Years Professor In The Subject Of Chemistry At Pt. Ravi Shankar Shukla University, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Dr. Sanjay Tiwari S/o Late Lakhan Lal Tiwari Aged About 55 Years Professor In The Subject Of Electronics At Pt. Ravi Shankar Shukla University, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
5. Dr. K. R. Hari S/o Shri K. N. R. Nair Aged About 56 Years Professor In The Subject Of Geology At Pt. Ravi Shankar Shukla University, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

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Versus

1. State Of Chhattisgarh Through Its Secretary - General Administration Department, Mahanadi Mantralaya, Naya Raipur, Police Station - Naya Raipur, Civil And Revenue District - Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Election Commission Of India Through - Principal Secretary, Election Commission Of India, Nirvachan Sadan, Ashoka Road, New Delhi, 110001, District : New Delhi, Delhi
3. The Chief Electoral Officer Shastri Chowk, Old Mantralaya, Premises, Raipur, Chhattisgarh, 492001, District : Raipur, Chhattisgarh
4. The District Collector Cum Election Officer District - Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

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For Petitioners	:	Mr. Vasant Zokarkar, Advocate along with Mr. Shikhar Bakhtiyar, Advocate Mr. Neeraj Choubey, Advocate
For State	:	Mr. Ayaz Naved, G.A.
For Respondents/E.C.I.	:	Mr. Rajeev Shrivastava, Advocate

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

20/08/2019

1. The grievance of the petitioners in both the writ petitions was in respect of the petitioners being sent on election duties and made to work under officers, who were lower in rank or were posted under officers, who were drawing lower pay-scale than the petitioners.
2. Pending the present writ petitions, both the elections i.e. the election to the State Assembly as well as the Parliamentary Elections have since been completed, as such the grievance of the petitioners as on date do not survive, till the petitioners if at all are allotted fresh election duties in the next elections, if any.
3. Given the said factual situations as it stands, this Court is of the opinion that the writ petition itself can be disposed of at this stage with an observation that the respondents shall while allotting election duties if required in any elections to be conducted henceforth shall keep in mind the status of the petitioners and the payscale that they are drawing while allotting the election duties to the petitioners in the next elections whenever it is to be held. Needless to mention that the respondents shall also keep in mind the instructions issued by the Election Commission of India in this regard.
4. The disposal of these writ petitions does not mean that the petitioners' services cannot be taken for election duties in the eventuality of any administrative exigency that arises for the respondents.
5. With the aforesaid observations, the present two writ petitions stands disposed off.

Sd/-
(P. Sam Koshy)
Judge