

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9650 of 2019**

1. Manoj Pandey S/o Shri Ramesh Chandra Pandey Aged About 55 Years R/o Ram Mandir Road, Brahma Para, Ambikapur, District : Surguja (Ambikapur), Chhattisgarh
2. Lal Kumar Karki S/o Shri Malluram Karkey Aged About 55 Years R/o Village-Tiur, Tehsil- Kharsiya, District Raigarh, Chhattisgarh.

--- Petitioners**Versus**

1. State of Chhattisgarh through the Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, Raipur, District Raipur, Chhattisgarh.
2. Under Joint Secretary Ministry of Rural Development Department of Rural Development Manrega Division, Krishi Bhawan, New Delhi, District : New Delhi, Delhi
3. Collector DPC (MANREGA) District : Surguja (Ambikapur), Chhattisgarh
4. Collector DPC (Manrega), District Raigarh, Chhattisgarh

--- Respondents

For the Petitioners : Mr. Soumitra Kesharwani, Advocate

For the Respondent : Mr. Amrito Das, Addl. Advocate General

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****25.11.2019**

1. Learned counsel for the petitioners submits that the petitioners were appointed as Ombudsmen under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 and as per the appointment Clause 2.2.11, the Ombudsman shall be appointed for tenure of 2 (two) years extendable not more than twice by one year each based on performance appraisal process or till the incumbent attains the age of 68 years (sixty eight), whichever is earlier. It is submitted a letter was issued by the respondent No.1 to the petitioners and the

District Collectors to submit details to submit annual appraisal findings in respect of Ombudsmen in requisite format.

2. It is contended that before petitioners' service came to an end, they have furnished the details in the requisite format to the respondent, but their annual appraisals have not been considered. Thereafter though their services came to an end in November 2018 and by now one year has already passed yet the respondents have not informed the petitioners about their position. It is contended that under Clause 2.2.11, it is the statutory duty of the respondents to inform the petitioners about their performance appraisal.
3. Learned State Counsel submits that already an advertisement has been issued on 20.11.2019 inviting applications for 17 Lokpal/Ombudsmen and the petitioners can also apply to the said post, which would be considered.
4. The petitioners contend that the appraisal reports have not been considered, therefore, the respondent may take a decision on their further extension before the process of appointment to the newly advertised posts is concluded.
5. Be that as it may, since fresh advertisement has been made no further relief can be granted to the petitioners for extension of their tenure. Accordingly, this writ petition is dismissed. The petitioners would be at liberty to apply for the same as per the advertisement.

Sd/-
(GOUTAM BHADURI)
JUDGE