

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**WA No. 302 of 2020**

(Arising out of order dated 14/01/2020 passed by learned Single Judge in WPS No. 275 of 2020)

- Pawan Dewangan son of Shri Shivlal Dewangan, aged about 30 years, resident of Village Palari, District Kondagaon C.G.

-----Appellant

VERSUS

1. State of Chhattisgarh, through the Secretary, Rural Engineering Services, Department Atal Nagar, Raipur District Raipur C.G.
2. Executive Engineer, Rural Engineering Services, Division Narayanpur C.G.

-----Respondents

For Appellant	:	Mr. Mukesh Shrivastava, Advocate.
For Respondent-State	:	Mr. Siddharth Dubey, Dy. Govt. Advocate

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****Per Parth Prateem Sahu, J.****10/07/2020**

1. Challenge in this appeal is to the order dated 14-01-2020 passed in WPS No. 275/2020, whereby the writ petition filed by the appellant, challenging his discontinuation from the service of daily wages Driver was dismissed.
2. Learned counsel for the appellant submits that the appellant was engaged as vehicle driver on daily wage basis since 05-05-2011 and worked up to 07-10-2013 continuously, which is evident from experience certificate issued by the concerned department. He submits that discontinuation from service of the appellant without giving any opportunity of hearing or without issuing any show cause notice to him is *per se* illegal.
3. We have heard learned counsel for the appellant and gone through the record.
4. From perusal of the document annexed along with the writ petition, it is apparent that the petitioner worked on the post from 05-05-2011 to 07-10-2013, thereafter, from 08-10-2013, he remained absent without intimating to the 2nd Respondent

and thereafter, the 2nd Respondent engaged another person as Driver on daily wages basis from 01-11-2013.

5. From the pleadings and document placed on record by the appellant himself, indicates that the petitioner was discontinued from his engagement in the year 2013 and he has approached this Court in the year 2020 with inordinate delay of 07 years. Other aspect of this case is that, no appointment order was issued in favour of the appellant, he was engaged as Driver on daily wages basis, orally, the 2nd Respondent has engaged another person when appellant remained absent continuously for few days. No punitive order was passed affecting his future employment.
6. In view of the aforementioned facts and circumstances of the case, we do not find any merit in this appeal. The appeal being devoid of any substance which is liable to be and is hereby dismissed accordingly. However, the appellant will be at liberty to seek any appropriate remedy available to him under the law.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge