

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4509 of 2020**

1. Leeladhar Raj, Son of Shri Bhoko Ram Raj Aged About 49 Years Working As Superwiser, At Paddy Collection Center Mandi Premise Sakti, District : Janjgir-Champa, Chhattisgarh
2. Devcharan Bareth, Son Of Shri Gore Lal Bareth, Aged About 34 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sakti, District : Janjgir-Champa, Chhattisgarh
3. Amit Kumar Yadav, Son Of Shri Ashok Kumar Aged About 27 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sakti, District : Janjgir-Champa, Chhattisgarh
4. Gokul Prasad Yadav, Son Of Shri Dhanesh Ram Aged About 44 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sakti, District : Janjgir-Champa, Chhattisgarh
5. Kamlesh Gir Goswami, Son Of Shri Bhuwadeshwar Gir, Aged About 33 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sakti, District : Janjgir-Champa, Chhattisgarh
6. Shailendra Kumar Patel, Son Of Late Dhanau Ram, Aged About 34 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sakti, District : Janjgir-Champa, Chhattisgarh
7. Pawan Kumar Patel, Son Of Late Nanadau Aged About 34 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sakti, District : Janjgir-Champa, Chhattisgarh
8. Bodhram Sidar, Son Of Shri Tilak Ram Sidar Aged About 52 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sakti, District : Janjgir-Champa, Chhattisgarh
9. Ramcharan Bareth, Son Of Shri Gore Lal Bareth Aged About 39 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sakti,

District : Janjgir-Champa, Chhattisgarh

- 10.** Satish Kumar Patel, Son Of Shri Jai Ram Patel, Aged About 46 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sakti, District : Janjgir-Champa, Chhattisgarh
- 11.** Mukesh Kumar Sidar, Son Of Shri Pyare Lal Sidar, Aged About 38 Years, Working As Pointer, At Paddy Collection Center Mandi Premise Sakti, District : Janjgir-Champa, Chhattisgarh
- 12.** Lambodar Patel, Son Of Shri Bhuneshwar Prasad, Aged About 24 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sakti, District : Janjgir-Champa, Chhattisgarh
- 13.** Rupesh Kumar Tamboli, Son Of Shri Tij Ram Tamboli, Aged About 27 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sakti, District : Janjgir-Champa, Chhattisgarh
- 14.** Mayaram Yadav, Son Of Shri Khik Ram Yadav Aged About 51 Years Working As Chaukidar, At Paddy Collection Center Mandi Premise Sakreli (Ba.), District : Janjgir-Champa, Chhattisgarh
- 15.** Bhagirathi Karsh, Son Of Late Shri Dharam Lal Karsh, Aged About 46 Years Working As Chaukidar, At Paddy Collection Center Mandi Premise Sakreli (Ba.), District : Janjgir-Champa, Chhattisgarh

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Versus

- 1.** State of Chhattisgarh Through Secretary, Cooperation Department, Mahanadi Bhawan, Mantralaya, New Raipur, P.S. Rakhi, District : Raipur, Chhattisgarh
- 2.** The General Manager, Chhattisgarh State Cooperative Marketing Federation Ltd., 6th Floor, Tower-C, Commercial Complex, C.B.T. Sector-21, Naya Raipur, Atal Nagar , District : Raipur, Chhattisgarh
- 3.** The Collector , District : Janjgir-Champa, Chhattisgarh

4. District Marketing Officer, Chhattisgarh State Cooperative Marketing Federation Ltd., District : Janjgir-Champa, Chhattisgarh
5. The Deputy Registrar, Cooperative Societies, District : Janjgir-Champa, Chhattisgarh
6. In-Charge Officer/Field Assistant, Paddy Collection Center Mandi Premise Sakti, District : Janjgir-Champa, Chhattisgarh
7. In-Charge Officer/Field Assistant Paddy Collection Center, Mandi Premise Sakreli (Ba.), District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Jeet Patel, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.
For Respondents 2 & 4	:	Mr. Mayank Chandrakar, Advocate along with Mr. Prafull N. Bharat, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

10.12.2020

1. The present writ petition has been filed for the following reliefs:

“i. That this Hon’ble Court may kindly be pleased to set aside/quash the letter dated 30.07.2020 (Annexure P-1) issued by the respondent no.2.

ii. That this Hon’ble Court may kindly be pleased to direct the respondents to grant permission to the petitioners for work under the department agency of respondents instead of private agency.

iii. That this Hon’ble Court may kindly be pleased to direct the respondents to decide the petitioners’ representations dated 19.08.2020.”

2. Annexure P-1 is a document issued by the respondent no.2 to the respondent no.4 for determining the charges which would be charged

and collected from the contractors engaged by the respondent no.2 for collection and maintenance of paddy till it is collected by the rice millers.

3. At the outset, on a specific query being put to the counsel for the petitioners, it is reflected that the petitioners herein were never engaged directly by the respondents 2 & 4 but were engaged by the contractor who was awarded the contract by the respondent no.2.
4. The claim of the petitioners is that they should not be treated to be the employees of the contractor but be treated as employees of the Department.
5. As regards the prayer of the petitioners for being treated as permanent employees of the Department, it has been specifically contended by the counsel for the respondents 2 & 4 that the collection of paddy is done only for a short period of time i.e. normally between November to February which in this year shall be collected between December to February and thereafter, there is no availability of work for which the petitioners are engaged for and therefore, they cannot claim for the same nor can they be made permanent employees of the Department.
6. Given the nature of engagement of the petitioners and on perusal of the record, what reflects is that the engagement of the petitioners was for a limited period of time and beyond which there is non availability of work. Moreover, each department has its own specific cadre strength and there cannot be any engagement of employees beyond the cadre strength. The Department has its service regulations regarding appointment/recruitment which has also to be followed before an appointment is done. The petitioners having been engaged without

taking into consideration the aforesaid factual details, this Court does not find any strong case made out by the petitioners granting the reliefs that they have sought for.

7. The writ petition being devoid of merits deserves to be and is accordingly dismissed.

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