

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4600 of 2020**

1. Mukesh Kumar Rathore S/o Shri Ramayan Prasad Rathore, Aged About 39 Years, Working As Get Dispatcher At Paddy Collection Center Mandi Premise Janjgir, District Janjgir Champa, Chhattisgarh
2. Manoj Kumar Rathore S/o Shri Saharam Rathore, Aged About 40 Years, Working As Tablet Work, At Paddy Collection Center Mandi Premise Janjgir, District Janjgir Champa, Chhattisgarh
3. Akhilesh Kumar Rathore S/o Shri Bisahu Lal Rathore, Aged About 44 Years, Working As Dispatch At Paddy Collection Center Mandi Premise Janjgir, District Janjgir Champa, Chhattisgarh
4. Ramesh Kumar Rathore S/o Shri Darash Ram Rathore, Aged About 41 Years, Working As Weightier At Paddy Collection Center Mandi Premise Janjgir, District Janjgir Champa, Chhattisgarh
5. Purushottam Rathore S/o Shri Durga Prasad Rathore, Aged About 49 Years, Working As Chaukidar At Paddy Collection Center Mandi Premise Janjgir, District Janjgir Champa, Chhattisgarh
6. Aniruddha Kashyap S/o Shri Mal Kashyap, Aged About 41 Years Working As Chaukidar At Paddy Collection Center Mandi Premise Janjgir, District Janjgir Champa, Chhattisgarh
7. Krishna Kumar Rathore S/o Shri Saha Ram Rathore, Aged About 32 Years Working As Chaukidar At Paddy Collection Center Mandi Premise Janjgir, District Janjgir Champa, Chhattisgarh
8. Rajaram Rathore S/o Shri Jeewan Lal Rathore, Aged About 40 Years Working As Chaukidar At Paddy Collection Center Mandi Premise Janjgir, District Janjgir Champa, Chhattisgarh
9. Manoj Bareth S/o Shri Samaru Ram Bareth, Aged About 45 Years Working As Chaukidar At Paddy Collection Center Mandi Premise Janjgir, District Janjgir Champa, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Cooperative Department, Mahanadi Bhawan, Mantralaya, New Raipur, Police 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, 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 Janjgir, District Janjgir Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Jeet Patel, Advocate
For Respondents 1, 3 & 5:	:	Mr. Sudeep Verma, Dy. Govt. Advocate
For Respondents 2 & 4	:	Mr. Prafull N. Bharat, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****23.11.2020**

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 in stead 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 employee of the contractor but be treated as employee of the Department.
5. As regards the prayer of the petitioners for being treated as permanent employee 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 employee 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 employee 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**