

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4706 of 2020**

1. Ramesh Kumar Ogre S/o Late R.C. Ogre, Aged About 30 Years R/o Behind Palas 71, Rajkishore Nagar Bilaspur, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through - The Secretary, Panchayat And Rural Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.,
2. Collector, Raigarh, District Raigarh Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat Raigarh, District Raigarh Chhattisgarh.
4. Chief Executive Officer, Janpad Panchayat Sarangarh, District Raigarh Chhattisgarh.

---- Respondents

For Petitioner : Shri Sanjay Kumar Agrawal, Advocate.

For State : Shri Vivek Ranjan Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04.12.2020**

1. The grievance of the petitioner in the present writ petition is the non renewal of the contractual services of the petitioner beyond 01.03.2020. The counsel for the petitioner submits that all the similarly placed persons who were engaged on contractual basis along with the petitioner their services have been extended by the State Government. However, for some reasons not known, the petitioner's services have not been continued by the respondents beyond 01.03.2020.
2. Counsel for the petitioner submits that it appears that non-availability of the petitioner at his place of posting on the date beyond 20.03.2020 seems to be the cause for his name not being reflected nor being placed in the renewal order.
3. According to the counsel for the petitioner, on account of being not well, he had come to Bilaspur on 19-20th of March and immediately thereafter there was this nation wide lock-down imposed by the

Government of India for a considerable long period and because there was a total lock-down and with no transportation facility available, the petitioner could not reach back to his place of posting i.e. Sarangarh District Raigarh. He further submits that immediately when a show-cause notice was issued on 16.04.2020, the petitioner promptly appeared before the authorities on 21.04.2020 and a detailed reply to the show-cause notice factually was provided explaining the conditions that were prevailing which prevented the petitioner to report for the duty.

4. According to the petitioner, the reason for his absence and for not reporting at the place of posting promptly was beyond his control, for the reason of the lock-down imposed by the Government of India and which was further extended by the State Government also. The Counsel for the petitioner referred to a circular Annexure P/3 issued by the Ministry of Labour & Employment Government of India dated 20.03.2020 wherein the Government of India had appealed to all employers, public and private establishments advising them to extend the service of the casual as well as the contractual workers and not to terminate their services during the pandemic period.
5. Counsel for the petitioner also referred to an order of this Court dated 25.06.2020 passed in WP(S) No. 2274/2020 wherein under similar back-drop, this High Court had granted an interim protection to the petitioner therein, taking into consideration the precarious conditions prevailing on account of the pandemic situation which created hurdle on the part of the petitioner in reporting for duty.
6. It is lastly contended by the counsel for the petitioner that his representation is pending consideration before the respondent No. 3 (Annexure P/7) dated 28.05.2020, which till date has not been decided.
7. Given the entire facts and circumstances of the case, particularly taking note of the fact that the petitioner being a contractual employee and whose employment has been renewed by the authority from time to time, further in the present case also from the documents it appears that there is a requirement of the post against which the

petitioner was working, which as per the petitioner has not been filled and it appears that on account of the nationwide lock-down arising out of the pandemic situation, the petitioner could not report for duty at the place of posting during the said period and which he has later on reported on 21.04.2020.

8. Given the said circumstances and precarious condition prevailing, the case of the petitioner needs to be reconsidered by the authorities concerned particularly keeping in view the direction/ advisory given by the Government of India on 20.03.2020, accordingly the respondent No. 3 is directed to consider/reconsider the case of the petitioner sympathetically for renewal of his contract in accordance with law at the earliest preferably within a period of 45 days from the date of receipt of copy of this order.
9. The writ petition accordingly stands dispose of.

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

Jyotijha