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HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 67 of 2020**

*{Arising out of order dated 08.11.2019 passed by the learned Single Judge in
Writ Petition (S) No. 2262 of 2011}*

- Bijendra Kumar S/o Dharamjeet, R/o Village Chindiya, Post Patna, Tahsil Baikunthpur, District Koriya, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through It's Secretary, Law Department, D.K.S. Bhawan, Raipur, District Raipur, Chhattisgarh.
2. District and Sessions Judge Koriya (Baikunthpur), District Koriya, Chhattisgarh.
3. In-Charge Officer Nazarat Anu Vibhag Baikunthpur, District Koriya, Chhattisgarh.
4. Collector District Koriya (Baikunthpur), Chhattisgarh.

---- Respondents

For Appellant	:	Shri Ashok Kumar Shukla, Advocate.
For Respondents	:	Shri Vikram Sharma, Deputy Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board**Per P. R. Ramachandra Menon, Chief Justice****21.01.2020**

1. The Interference declined by the learned Single Judge with regard to challenge raised against Annexure P/6, whereby the contingency service of the writ Petitioner/Appellant for a short period of about seven months was put to an end to.
2. Heard Shri Ashok Kumar Shukla, the learned counsel for the Appellant as well as the Shri Vikram Sharma, the learned counsel representing the Respondent/State.

3. The sequence of events reveals that the Appellant, vide Annexure P/1 order dated 30.01.2010, was appointed as a Contingent Employee/Sweeper by the 2nd Respondent, on daily wages. Shortly thereafter, the Appellant was also assigned the task of 'Chawkidar' which was stated as voluntarily accepted by him. While so, it came to the notice of the authorities concerned that the duties conferred upon the Appellant were not being discharged in a proper and satisfactory manner and in the said circumstance, Annexure P/4 show-cause notice was issued to him, with reference to the said aspects. Thereafter, Annexure P/5 report came to be submitted to the 2nd Respondent as to the factual position, based on which Annexure P/6 order came to be issued on 05.04.2011, whereby the service was put to an end. This was sought to be challenged by filing the writ petition by the Appellant herein.
4. The case of the Appellant was sought to be resisted by filing a return from the part of the 2nd Respondent. After hearing both the sides, the learned Single Judge held that absolutely no tenable ground was pointed out by the writ Petitioner so as to call for interference, especially in view of the particular nature of assignment, being a temporary one on daily wages and no accrued right was there. Dismissal of the writ petition is put to challenge in this appeal.
5. The learned counsel for the Appellant submits that, by virtue of the order, serious stigma has been cast upon the Appellant and that it may adversely affect his further career.
6. After going through the facts and figures, we find that no accrued right was conferred upon the Appellant in any manner. Firstly, for the reason that the appointment to the post in question was not pursuant to any

proper method of selection, nor that it was having any regularity in employment. Admittedly, the employment (as a Sweeper) was as a contingent employee on daily wages and the termination also took place within 8 months. In the industrial sector, the 'worker' who is defined under Section 2(s) of Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act, 1947') can call his termination a 'retrenchment', if only he satisfies the minimum requirement of continuous service of 240 days in the preceding 12 months as envisaged under Section 25B of the Act, 1947. Here, the engagement is in the Government Sector and no regular appointment was admittedly made and the work was extracted for a short period of about 7 months. The job performed by the Appellant was found not satisfactory; the termination has taken place and in the said circumstance, the interference declined by the learned Single Judge is perfectly in order and not assailable under any circumstance. However, considering the submissions made by the learned counsel for the Appellant, we make it clear that the order of termination will not carry forward any 'stigma' insofar as the career of the Appellant is concerned.

7. The appeal stands dismissed.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge