

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 7118 of 2011**

Rajesh Kaushik S/o Shri Mani Ram Kaushik, Aged about 20 years, R/o Rajendra Nagar, Link Road, Bilaspur, Chhattisgarh.

---Petitioner

Versus

1. State of Chhattisgarh, Through its Secretary, Department of Agriculture, D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh.
2. Director, Directorate of Agriculture, Raipur, Chhattisgarh.
3. Joint Director, Agriculture Department, Bilaspur Division, Bilaspur, Chhattisgarh.

---Respondents

For Petitioner :- Mr. Abhishek Pandey, Advocate
For State :- Mr. Soumya Rai, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board (Th. Video Conferencing)

01/09/2021

1. This writ petition is directed against the order dated 09/08/2011 (Annexure P/1) by which petitioner's representation has been rejected and he has been directed to work on the post of Peon as per order dated 03/09/2009 (Annexure P/13).

2. Mr. Abhishek Pandey, learned counsel for the petitioner, would submit that there is ample material on record to show that the petitioner was appointed on the post of Assistant Grade – 3, therefore, he ought to have been regularized on the post of Assistant Grade – 3 and the impugned order is liable to be modified to that extent.
3. Mr. Soumya Rai, learned State counsel, would submit that petitioner has rightly been regularized on the post of Peon by order dated 03/09/2009 (Annexure P/13) which he has not joined.
4. I have heard learned counsel for the parties at length and perused the records.
5. A careful perusal of the record would show that there is no material available on record that petitioner was ever appointed on the post of Assistant Grade – 3 and though for some time he was asked to perform the duties of Assistant Grade – 3 but that would not make him to be appointed on the post of Assistant Grade – 3, as such, petitioner has rightly been regularized on the post of Peon by order dated 03/09/2009 (Annexure P/13) and therefore, his

representation has rightly been rejected and he has been asked to work on his regularized post of Peon by impugned order dated 09/08/2011 (Annexure P/1). However, learned counsel for the petitioner would submit that petitioner may be allowed to join on the post of Peon within 10 days from today. Accordingly, the petitioner is allowed to join on the post of Peon within 10 days from today.

6. At this stage, learned counsel for the petitioner would submit that petitioner may also be allowed to make a representation for seniority. Since the writ petition is pending for more than ten years, petitioner is allowed to make representation claiming seniority, etc. before the competent authority which will be decided by the said authority within 45 days from the date of filing of the representation on its own merit.

7. With the aforesaid observation/direction, this writ petition stands disposed of. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet