

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 2962 of 2014**

1. Ku. Shilpa Thakur D/o Shri Parmanand B.E. IT Programmer, R/o Village - Gadaghat Post- Karesara, Tahsil Thankhamhariya, Distt. Bemetara, C.G.
2. Ku. Sandhya Sharma D/o Shri Parmeshwar Sharma, B.Com, ITI, PGDCA Assistant Grade III, R/o Shanti Vihar Colony Ward No. 6, Bemetara Tahsil & District – Bemetara, C.G.
3. Samaru Sahu S/o Shri Maya Ram Sahu, R/o Village Umariya, P.O. - Kanhera, Pin 491335 Tah and Distt. Bemetara, C.G.
4. Dhanesh Kumar Lahre S/o Shri Chaituram Lahre, R/o Chorbhatthi, Post – Matka, Pin 491335, Tah and Distt. Bemetara, C.G.
5. Jay Prakash Sahu S/o Shri Chaitram Sahu, Assistant Grade-III, R/o Ward No. 17 Kurmipara, Bemetara Pin 491335 Tah and Distt. Bemetara, C.G.
6. Amit Kumar Nat S/o Shri Ramswarup Nat, Assistant Grade III, R/o Village Chakapendra P.O. - Sambalpur Tahsil Nawagarh, Distt. Bemetara, C.G. Pin 491340
7. Ramgopal Sahu S/o Shri Faguram Sahu, Assistant Grade III, R/o Village Kirta, P.O. Temri Tahsil, Nawagarh, Distt. Bemetara, C.G.
8. Mahetru Ram Nishad S/o Shri Dhelu Ram Nishad, Peon R/o Village - Nandghat, Tahsil - Nandghat, Distt. Bemetara, Pin 491340
9. Prakash Narayan Sahu S/o Shri Chaitram Sahu, Assistant Grade III R/o Ward No. 17, Kurmipara Bemetara Tahsil & District – Bemetara, C.G. Pin 491340

**---- Petitioners****Versus**

1. State Of Chhattisgarh Through Principal Secretary, Law And Legislative Department, Govt. Of C.G. Mahanadi Bhawan Naya Raipur, Pin 490123

Tahsil and District - Raipur, C.G.

2. Collector and District Election Officer, Bemetara, District - Bemetara C.G.
3. The Collector, Durg, District – Durg, C.G

---- Respondents

**WPS No. 5559 of 2014**

1. Chandra Shekhar Sinha S/o Ram Kumar Sinha, Assistant Grade III, R/o Village – Kanharpuri, Tahsil – Gurur, District - Balod, Chhattisgarh.
2. Ku Satima Khare D/o Milau Ram Khare, Assistant Grade III, R/o Village - Kamkapar, Tahsil - Doundi Lohara, District - Balod, Chhattisgarh
3. Ku. Ragini Tiwari D/o Raju Prasad, Assistant Grade III, R/o Ward No. 3 Doundi Lohara, District - Balod, Chhattisgarh
4. Ku. Keshari D/o Tulsiram, Peon R/o Village - Danitola P.O. - Bhaibod Tahsil and District - Balod, Chhattisgarh

---- Petitioners

**Versus**

1. State Of Chhattisgarh Through Principal Secretary, Law and Legislative Department, Govt. Of Chhattisgarh, Mahandi Bhawan, Naya Raipur, Chhattisgarh
2. Collector and District Election Officer, Balod, District : Balod Chhattisgarh
3. Collector, Balod, District : Balod, Chhattisgarh

---- Respondents

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|-----------------|---|-------------------------------|
| For Petitioners | : | Mr. V. G. Tamaskar, Advocate  |
| For State       | : | Ms. Hamida Siddiqui, Dy. A.G. |

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**WPS No. 670 of 2015**

- Smt. Poonam Nannaware W/o Shri Diwakar Rao Nannaware, R/o Prince Colony Laxmi Nagar, Post and P.S. Tikrapara, Raipur, Tahsil and District- Raipur, C.G

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Chief Secretary, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District- Raipur, C.G.
2. State Of Chhattisgarh Through The Secretary, General Administrative Department, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District- Raipur, C.G.
3. State Of Chhattisgarh Through The Secretary, Department of Law and Legislative Election, Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur C.G.
4. The Collector and District Returning Officer, Raipur, District- Raipur C.G.

**---- Respondents****WPS No. 1711 of 2015**

- Smt. Lekhani Sinha W/o Shri Rajesh Kumar Sinha, R/o Kasaridhih, Subhash Nagar, Durg, Tahsil and District - Durg, Presently Posted Assistant Grade III at District Election Office, Rajnandgaon, District - Rajnandgaon, Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Chief Secretary, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh
2. State Of Chhattisgarh Through the Secretary, Department of Law and Legislative (Election), Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh

3. The Collector and District Returning Officer, Rajnandgaon, District - Rajnandgaon, Chhattisgarh

---- Respondents

**WPS No. 1715 of 2015**

- Dipakar Meshram S/o Shri Jhumuk Lal Meshram, R/o Village - Atargaon Post Mahud Machandur, Tahsil and P.S. Ambagarh Chowki, District Rajnandgaon, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Chief Secretary, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. State Of Chhattisgarh Through The Principal Secretary, Department of Law And Legislative (Election), Mahandi Bhawan, Mantralaya, Naya Raipur District - Raipur, Chhattisgarh
3. The Collector And District Returning Officer, Rajnandgaon, District Rajnandgaon, Chhattisgarh

---- Respondents

**WPS No. 3107 of 2014**

- Viplav Jha S/o Shri Vijay Kumar Jha, R/o Gulab Ratna Maithilpara, Turi Hatri Purani Basti Raipur, Post And P.S. Purani Basti, Distt Raipur, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Chief Secretary, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, Dist Raipur, Chhattisgarh
2. State Of Chhattisgarh Through The Secretary General Administrative Department, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, Dist Raipur, Chhattisgarh
3. State Of Chhattisgarh Through The Secretary, Department Of Law And

Legislative Election, Mahanadi Bhawan, Mantralaya, Naya Raipur, Dist Raipur, Chhattisgarh

4. The Collector And District Returning Officer, Raipur, District : Raipur, Chhattisgarh

---- Respondents

**WPS No. 6681 of 2014**

- Chhabi Lal S/o Shri Prem Das, R/o Village Khapri, Post Upperwara P.S. Rakhi, Raipur Tahsil – Arang, District- Raipur C.G.

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Chief Secretary, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District - Raipur, C.G.
2. State Of Chhattisgarh Through the Secretary, General Administrative Department, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District - Raipur C.G.
3. State Of Chhattisgarh through the Secretary, Department of Law and Legislative (Election) Mahanadi Bhawan, Mantralaya, Naya Raipur, C.G.
4. The Collector and District Returning Officer, Raipur, District - Raipur C.G.

---- Respondents

**WPS No. 6684 of 2014**

- Dhaneshwar Prasad Patle S/o Shri Chain Das Patle, R/o Village and P.O – Paloud, P.S. Mandir Hasoud, Tahsil – Arang, District – Raipur, C.G.

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Chief Secretary, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District - Raipur, C.G.

2. State Of Chhattisgarh Through the Secretary, General Administrative Department, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District - Raipur C.G.
3. State Of Chhattisgarh through the Secretary, Department of Law and Legislative (Election) Mahanadi Bhawan, Mantralaya, Naya Raipur, C.G.
4. The Collector and District Returning Officer, Raipur, District - Raipur C.G.

**---- Respondents**

**WPS No. 6686 of 2014**

- Jitendra Kumar Kumbhkar S/o Shri Ramsingh Kumbhkar, R/o Pt. Ravishankar Shukla Nagar, Near Mukharjee Kirana Store, Raipur, Post Office University, P.S. Amanaka Raipur, Tahsil and District Raipur, C.G.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Chief Secretary, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District - Raipur, C.G.
2. State Of Chhattisgarh Through the Secretary, General Administrative Department, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District - Raipur C.G.
3. State Of Chhattisgarh through the Secretary, Department of Law and Legislative (Election) Mahanadi Bhawan, Mantralaya, Naya Raipur, C.G.
4. The Collector and District Returning Officer, Raipur, District - Raipur C.G.

**---- Respondents**

**WPS No. 666 of 2015**

- Ku. Roshani Meshram D/o Shri Dev Das Meshram, R/o Shiv Chowk, Near Water Tank, Dr. Rajendra Nagar Post - Ravigram, P.S. Rajendra

Nagar, Raipur, Tahsil and District - Raipur, C.G.

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Chief Secretary, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District - Raipur, C.G.
2. State Of Chhattisgarh Through The Secretary, General Administrative Department, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District - Raipur, C.G.
3. State Of Chhattisgarh, Through The Secretary, Department of Law and Legislative Election, Mahanadi Bhawan, Mantralaya, Naya Raipur, District : Raipur, Chhattisgarh
4. The Collector and District Returning Officer, Raipur, District - Raipur, C.G.

---- **Respondents**

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|                 |   |                               |
|-----------------|---|-------------------------------|
| For Petitioners | : | Mr. J. N. Nande, Advocate     |
| For State       | : | Ms. Hamida Siddiqui, Dy. A.G. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order On Board**

**17.02.2021**

1. All the petitioners, in this bunch of writ petitions, have a common grievance and have all filed the writ petitions in the same year 2014-15 and the relief sought for in all these writ petitions also being the same, the bunch of writ petitions are being disposed of by this common order.
2. The grievance of the petitioners in the present writ petitions is that after due procedure of recruitment, the petitioners were engaged on the post of Data Entry Operator, Assistant Grade-III and Peon in the District Election Offices of district Raipur, Durg and Balod. According to the

petitioners, their initial appointment was made during the period raising from 2007 to 2014. Though the petitioners were initially appointed for a fixed tenure, their services thereafter were getting periodically extended by the respondents each time for a fixed tenure. The petitioners herein referred to various circulars of the State Govt. dated 29.11.1973, 29.11.1978, 12.06.1980 & 19.09.1990 issued from time to time in respect of certain protection and preferential treatment that have to be extended to the employees engaged in the office of the Election Commission both at the state level as also in the district level.

3. The contention of the counsel for the petitioners is that since all the petitioners have discharged their duties for a considerable long period and in most of the cases even after filing of the writ petitions, the services of the petitioners have been continued by re-engaging them on fixed period basis time to time, the respondents should take an appropriate decision so far as the services of the petitioners are concerned either granting appointment to the petitioners in the office of the Election Commission or regularizing their services as the case may be. Counsel for the petitioners referred to two orders of this Court i.e. WPS No. 6474/2016 and other analogous writ petitions disposed of on 30.11.2016 and WPS No. 6135/2016 which stood disposed of on 13.12.2016 whereby both these writ petitions stood disposed of with a direction to the respondents to consider the claim of the petitioners therein for either re-engagement or regularization in terms of the aforementioned circulars of the State Govt. issued in respect of the people engaged in the office of the Election Commission.
4. State counsel, on the other hand, submits that the circulars which the petitioners have been referring to are all ensuring to provide preferential

treatment to the petitioners in the recruitment that would be made at district level as also the state level taking into consideration the past services rendered by the petitioners and as such the petitioners may not have an indefeasible right created for regularization or for appointment. Moreover, it also needs verification as to whether the petitioners do have the requisite eligibility criteria and whether they are working against any sanctioned vacant post etc.

5. Be that as it may, since the two writ petitions WPS 6135/2016 and the other a bunch of writ petitions leading of which being WPS 6474/2016, both of which stand disposed of for consideration of the claim of the petitioners in accordance of the afore mentioned circulars of the State Govt., this Court is of the opinion that the petitioners herein also would be entitled for a similar treatment. Accordingly, the respondents are directed to consider and take a decision in the case of the petitioners herein also keeping in view the aforesaid circulars dated 29.11.1973, 29.11.1978, 12.06.1980 & 19.09.1990 issued by the State Govt. in respect of the persons engaged in the office of the Election Commission. The petitioners, as has been granted in the aforementioned two writ petitions, would also be at liberty to move a fresh representation to the respondent no.1 ventilating their grievances and if the petitioners do file a representation, the same may also be considered as expeditiously as possible. In case the grievance of the petitioners is not redressed or the petitioners are not satisfied with the decision taken by the respondents, they would be at liberty to approach this Court afresh. The respondents are expected to take a decision in respect of the claim of the petitioners within an outer limit of 4 months from the date of receipt of the representation of the petitioners.

6. It is made clear that this Court has not expressed any opinion on the merits of the case so far as the entitlement of the petitioners are concerned and the respondent authorities are expected to take a decision purely in accordance with the rules and the circulars issued by the State Govt. from time to time.
7. With the aforesaid observations, all these writ petitions stand disposed of.

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