

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 679 of 2021**

1. Harishchandra Pandey S/o Shri Bannu Ram Pandey, Aged About 40 Years, R/o- Village Kamela, Badekanera Kondagaon, District - Kondagaon, Chhattisgarh
2. Urmila W/o Kaushan Savarkar, Aged About 45 Years, R/o- Ward No. 01, Platpara, Lanjoda, District- Kondagaon (Chhattisgarh)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (Chhattisgarh)
2. Collector, Kondagaon, District- Kondagaon (Chhattisgarh)
3. District Education Officer, District- Kondagaon (Chhattisgarh)
4. Block Education Officer, District- Kondagaon (Chhattisgarh)

---- Respondents

For Petitioners	:	Mr. Anadi Sharma, Advocate
For State	:	Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18.02.2021**

1. Grievance of the Petitioners in the present Writ Petition is the discontinuance of their services vide order dated 26.8.2019 (Annexure P-1).
2. Contention of learned Counsel for Petitioners is that vide Annexure P-2 the Petitioners were engaged on temporary basis at collector rate and they have discharged their duties to the utmost satisfaction of the

authorities concerned, however, abruptly vide the impugned order dated 26.8.2019 their services have been discontinued. He further submits that for the period the Petitioners have worked they have also not been paid their salary and that there are other similarly placed persons who have been retained by the Department and to whom the salary is being paid, which shows that there are budgetary allocations available with the Department.

3. Be that as it may, considering the fact that the initial appointment of the Petitioners itself was substantially on temporary basis at collector rate, no indefeasible right is created in their favour. Respondents have shown justifiable reason for their discontinuance.
4. For this reason, this Court would not like to interfere with the action taken on the part of the Respondents so far as discontinuance is concerned. However, as regards the unpaid salary is concerned, subject to verification of the fact that the Petitioners have worked or not, the Respondents No. 2 & 3 should ensure that unpaid salary payable to the Petitioners should be released within a period of sixty days from the date of receipt of copy of this order.
5. As regards the engagement of the Petitioners, representation of the Petitioners is already pending consideration before the authority concerned i.e. Respondent No.2. It is expected that Respondent No.2 shall take appropriate decision on the said representation.
6. With the aforesaid observations, Writ Petition stands disposed of.

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