

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 712 of 2021**

1. Lav Kumar Pandey S/o Shri Ramavtar Pandey, Aged About 42 Years At Present Working As Paddy Procurement Centre Semartal, District Bilaspur Chhattisgarh
2. Rishi Gadewal S/o Late Shri Ram Kumar, Aged About 40 Years At Present Working As Paddy Procurement Centre Semartal, District Bilaspur Chhattisgarh
3. Rajesh Kaiwart S/o Devcharan Kaiwart, Aged About 35 Years At Present Working As Paddy Procurement Centre Semartal, District Bilaspur Chhattisgarh
4. Dipak Kaiwart S/o Devcharan Kaiwart, Aged About 32 Years At Present Working As Paddy Procurement Centre Semartal, District Bilaspur Chhattisgarh
5. Rambharosh Kaiwart S/o Shri Panchram Kaiwart, Aged About 34 Years At Present Working As Paddy Procurement Centre Bharni Bhatha, District Bilaspur Chhattisgarh
6. Sunil Kaiwart S/o Shri Bhagwat Prasad, Aged About 32 Years At Present Working As Paddy Procurement Centre Bharni Bhatha, District Bilaspur Chhattisgarh
7. Sandeep Soni S/o Shri Shankar Prasad Soni, Aged About 32 Years At Present Working As Paddy Procurement Centre Bharni Bhatha, District Bilaspur Chhattisgarh
8. Suresh Rajput S/o Late Shri Jai Singh, Aged About 40 Years At Present Working As Paddy Procurement Centre Bilha Open, District Bilaspur Chhattisgarh
9. Devi Das S/o Late Shri Ramji, Aged About 42 Years At Present Working As Paddy Procurement Centre Bilha Open, District Bilaspur Chhattisgarh
10. Jai Kumar S/o Late Shri Sunder Lal, Aged About 37 Years At Present Working As Paddy Procurement Centre Bilha Open, District Bilaspur Chhattisgarh
11. Prithi S/o Ganesh Singh, Aged About 30 Years At Present Working As Paddy Procurement Centre Bilha Open, District Bilaspur Chhattisgarh
12. Budhram S/o Shri Maharathi, Aged About 44 Years At Present Working As Paddy Procurement Centre Bilha Open, District Bilaspur Chhattisgarh
13. Shivsharan S/o Shri Pilu Prakash Shukla, Aged About 32 Years At Present Working As Paddy Procurement Centre Bilha Open, District Bilaspur Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Co-Operative Affairs, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh

2. Chhattisgarh State Cooperative Marketing Federation Limited, Through Its Managing Director, 6th Floor, Tower- C, Commercial Complex, Cbd, Sector 21, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh
3. District Marketing Officer, Bilaspur, District Bilaspur Chhattisgarh
4. Incharge Paddy Procurement Centre Bilha Open, Bilha, District Bilaspur Chhattisgarh
5. Incharge Paddy Procurement Centre Bharni Bhatha, District Bilaspur Chhattisgarh
6. Incharge Paddy Procurement Centre Semartal, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Shashank Thakur, Advocate
For State	:	Ms. Akansha Jain, Dy. GA
For Res. No.2 & 3	:	Mr. Ashish Surana, Advocate

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

16/02/2021

1. The present writ petition has been filed claiming for a relief of order of restrain to the respondent authorities from disengaging the petitioners from their post and they be permitted to continue to discharge their duties in the same capacity and in the same manner in which they have been doing till now.
2. According to the petitioners, most of them have being in work on daily wage basis under the different storage centers situated at Bilha, Simartal, and Bharnibhata in District Bilaspur. According to the petitioners, most of them have been working with the respondents for a period ranging from 13-17 years and by virtue of the continuous employment the petitioners were also getting yearly bonus and other incentives that the Marketing Federation provides to the petitioner. However, now vide a policy decision, the respondents have appointed a Contractor who would be engaging

Daily Wage Workers for the works to be discharged under the Marketing Federation, particularly at the Storage centers.

3. The apprehension that petitioners have is that now that the petitioners would be placed under Contractors, there is a positive threat of all the petitioners losing their employment and also there is an apprehension that petitioners also might lose their various monetary benefits that petitioners were getting till now under the Marketing Federation.
4. All said and done, what has to be considered by this court is that fact the substantive status of the petitioners were that of daily wage employee engaged at different storage centers of the Marketing Federation. Undoubtedly, Daily Wage employee does not have any indefeasible right so far as his claim for regularization or continuity in employment is concerned. The appointment of the each of the petitioners were not under any of the constitutional scheme or the service conditions governing the Marketing Federation. The engagement was also not against the sanctioned post available or against any regular vacancy in the Marketing Federation. The nature of engagement was purely considering the demand of work available at storage centers at a particular time. Moreover, from the pleadings of the writ petition itself it reflects that service of the petitioners would not be dispensed with as of now and would be placed under employment of the Contractor which in other words means that service of the petitioners stands protected even if they are being engaged by the Contractor.
5. Under the circumstances, this Court is of the opinion that relief sought for by the counsel for the petitioner, cannot be granted by way of issuance of Writ of Mandamus by exercising the Writ Jurisdiction under Article 226. The

writ petition thus being devoid of merits deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Rohit