

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1135 of 2021**

1. Santosh Kumar Khairwar S/o Sevak Ram, Aged About 39 Years
R/o Village Jatga, Police Station Katghora, District - Korba
Chhattisgarh., District : Korba, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through - The Secretary, Department Of
Panchayat And Rural Development, Mahanadi Bhawan, Mantralay,
Atal Nagar Raipur, District Raipur Chhattisgarh., District : Raipur,
Chhattisgarh
2. Collector, Korba, District Korba Chhattisgarh., District : Korba,
Chhattisgarh
3. Chief Executive Officer, Zila Panchayat Korba, District Korba
Chhattisgarh., District : Korba, Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat Pondi Uproda, District
Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Shri C. K. Kesharwani with Shri Tarun Dansena, Advocates.
For State	:	Shri Shrestha Gupta, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****02/03/2021**

1. The challenge in the present writ petition is to the impugned orders
Annexure P/1 and Annexure P/2 dated 29.02.2020 and 05.02.2021.
Annexure P-1 is an order whereby the contractual appointment of
the petitioner was not renewed on its completion w.e.f. 29.02.2020.
Annexure P-2 is an advertisement published after about a year for
filling up of the posts of Rojgar Shahayak apart from other places,
also for the place from where the petitioner has been discontinued.
2. At the outset, this Court does not find any merits in the writ petition
for the reason that the order of discontinuance of his contractual

engagement was passed one year back i.e. on 29.02.2020. Except for a couple of representations, there does not seem to be any serious challenge to the order of discontinuance by the petitioner before any forum. As such the order of discontinuance has attained finality and as a consequence vacancy has arisen and for filling up such vacancies, the authorities have published an advertisement now.

3. The issuance of the subsequent advertisement now cannot be found fault with, as there was no interim order or any litigation in-respect-of the petitioner's claim for the said posts. Moreover, the advertisement is for appointment of Rojgar Sahayak at different Gram Panchayats including the place where the petitioner was posted earlier.
4. Given the said facts, the writ petition therefore being devoid of merits deserves to be and is accordingly rejected.
5. However, the petitioner would have the liberty to approach the concerned authorities under the Scheme of MGNREGA for representing against the impugned order Annexure P/1 so far as declaring the same to be a disqualification for future engagement. That subject to the petitioner approaching the authorities in this regard the said authorities are expected to take a decision on its own merits, taking into considering the facts and circumstances of the case in accordance with law.

Sd/-

(P. Sam Koshy)
Judge