

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1478 of 2021

- Rajkumar Chandrakar S/o Shri Vishnu Prasad Aged About 34 Years Posted As Assistant Grade-III At Primary Health Center, Mungasher, R/o Ward No. 06, Lalpur, Bhagbahara, District- Mahasamund (Chhattisgarh), District : Mahasamund, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of General Administration, Atal Nagar, District Raipur (Chhattisgarh)
2. Secretary Department Of Health And Family Welfare Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. Chief Medical And Health Officer District- Mahasamund (Chhattisgarh)

---- Respondents

For Petitioner : Shri Waquar Naiyer, Advocate

For Respondents/ State : Shri Rahul Jha, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25.03.2021

Heard

1. The present writ petition has been filed seeking for direction to the respondents to regularize the services of the petitioner from the date of initial appointment i.e. 31.10.2014. Further, claim of the petitioner is also for direction to the respondents to release the annual increment payable to the petitioner from the date of initial appointment itself and further to grant all outstanding arrears after granting of the annual increment.
2. The facts of the case in brief is that the petitioner was granted compassionate appointment on 31.10.2014 on the post of Assistant Grade- III at the Primary Health Center, Mungasher, Bhagbahara, District Mahasamund. Since, at the

time of appointment the petitioner did not have the certificate so far as the 5000 words per hour on computer is concerned, the appointment order was issued with a condition that the petitioner shall clear the skill test within 2 years and if not the petitioner would get further two chance within the next 2 years and that he would be getting the increment in the annual salary only after clearing the skill test. The petitioner pursuant to the said order of appointment gave his joining and the department for the first time conducted the skill test in the year 2017, however, the petitioner could not clear the skill test and therefore he could not be given the benefit of increment and the subsequent skill test was conducted on 22.06.2019 when the petitioner cleared the same and the authorities concerned thereafter regularized the services of the petitioner and have also ordered for grant of incremental benefits to the petitioner.

3. The present writ petition now has been filed claiming the regularization from the date of initial appointment and also for grant of annual increment from the time of appointment along with all consequential benefits including that of arrears. The sole contention of the petitioner in support of his claim is that the authorities concerned were supposed to have the skill test conducted every year and since the department failed to conduct the examination annually the petitioner cannot be blamed for having cleared the same at belated stage. Therefore, the petitioner should be granted the benefit from the initial date of appointment itself.
4. This Court at the outset itself does not find any merit on the contention of the petitioner for the simple reason that it is a case where even though at a belated stage the department conducted the skill test in the year 2017 wherein the petitioner had failed. The arguments and contention of the petitioner would have been an arguable point or could have been acceptable, if he would have cleared it in first instance itself in the year 2017. That having

failed in the year 2017, the petitioner had to clear it at the next occasion when the skill test was conducted and which the respondents have conducted on 22.06.2019 when the petitioner cleared the skill test and thereafter authority have granted the consequential benefit prospectively from the date of clearance of the skill test. Given the facts that the petitioner had failed at the first instance the ground raised by the petitioner in support to his contention stands negated only on the ground that even though at the belated stage when an opportunity was granted to the petitioner, he could not succeed in the said skill test and therefore he had to avail another opportunity for clearing the same and on doing the same the petitioner has been granted all other benefits attached on clearing the skill test.

5. For the aforesaid reasons, this Court does not find any strong case made out calling for any interference. The petition being devoid of merits stands dismissed.

Jyoti

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