

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.6131 of 2010**

1. Shivraj Singh S/o Shri Chetan Singh, aged about 50 years, occupation daily wages employee, Nagar Panchayat Chhurikala, District Korba (CG)
2. Bhushan Singh S/o Shri Durpal Singh, aged about 40 years, occupation daily wages employee, Nagar Panchayat Chhurikala, District Korba (CG)
3. Raju Sarthi S/o Shri Nan Babu Sarthi, aged about 36 years, occupation daily wages employee, Nagar Panchayat Chhurikala, District Korba (CG)
4. Bhupendra Markam S/o Shri Devendra Kumar, aged about 22 years, occupation daily wages employee, Nagar Panchayat Chhurikala, District Korba (CG)

----- Petitioners**Versus**

1. The State of Chhattisgarh through the Principal Secretary, Department of Urban Administration and Development, Mantralay at D.K.S. Bhawan, Raipur (CG)
2. The Under Secretary, Government of Chhattisgarh, Department of Urban Administration and Development, Mantralay at D.K.S. Bhawan, Raipur (CG)
3. The Joint Director, Urban Administration and Development, Bilaspur (CG)
4. The Nagar Panchayat Chhurikala, through its Chief Municipal Officer, Nagar Panchayat, Chhurikala, District Korba (CG)

----- Respondents

For Petitioners : Mr.Awadh Tripathi, Advocate
 For Res.No.1 to 3/State: Mr.Animesh Tiwari, Dy.A.G.
 For Respondent No.4 : Mr.Sabyasachi Bhaduri, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board (Through Video Conferencing)****16.8.2021**

1. At the outset, Mr.Awadh Tripathi, learned counsel for the petitioners, would submit that he is withdrawing

the writ petition on behalf of petitioners No.3 and 4, as such, the writ petition filed on behalf of petitioners No.3 and 4 is dismissed as withdrawn.

2. Learned counsel for petitioners No.1 and 2, would submit that petitioners No.1 and 2 are working as Chowkidar in respondent No.4-Nagar Panchayat, Chhurikala and by virtue of order dated 23.9.2010 (Annexure P-1) their services were sought to be dispensed with, but by interim order of this Court dated 12.11.2010 they are continuing on the said post, however, the order dated 23.9.2010 (Annexure P-1) has partly been set-aside by this Court in Writ Petition (S) No.6798 of 2010 (**Dhaniram & others v. State of Chhattisgarh & others**), decided on 20.1.2011, as such, the writ petition deserves to be allowed.

3. On the other hand, Mr.Animesh Tiwari, learned Deputy Advocate General for respondents No.1 to 3 and Mr.Sabyasachi Bhaduri, learned counsel for respondent No.3, would support the impugned order.

4. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also went through the records with utmost circumspection.

5. It is the case of the petitioners that pursuant to order dated 23.9.2010 (Annexure P-1) passed by

respondent No.1, their services were sought to be dispensed with, which they have challenged by way of this writ petition and by virtue of interim order passed by this Court on 12.11.2010 they are continuing.

6. It is correct to say that in the matter of Dhaniram (supra) this Court while sustaining the challenge to the order dated 23.9.2010 action of respondent No.4- Nagar Panchayat, Chhurikala pursuant to the order dated 23.9.2010 has been held to be bad without proper scrutiny as per the memo dated 5.3.2008. In Dhaniram (supra) this Court held as under:-

"9. In compliance of the aforesaid directions, the State Government has rightly framed the scheme by memo dated 5-3-2008 and directed all the Departments to securitize cases of daily wages and pass orders accordingly.

10. For the foregoing reasons and applying the well settled ratio laid down by the Supreme Court in the abovestated cases, the action of the respondent Corporations pursuant to the memo dated 23-9-2010 for removal of the daily wages without proper scrutiny as per the memo dated 5-3-2008 is bad and the same is not at all sustainable in the eyes of law. Thus, the same is quashed."

7. In that view of the matter, the writ petition filed on behalf of petitioners No.1 and 2 is allowed in terms of order passed in Dhaniram (supra). However, liberty is reserved in favour of respondent No.4 to take steps, if so advised, in accordance with law. No order

as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-