

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2804 of 2021

1. Lakhan Singh Bais S/o Santosh Singh Bais, Aged About 60 Years R/o. Sector -3, D.D. Nagar, District Raipur Chhattisgarh
2. Yogesh Upadhyay S/o Ramnagina Upadhyay Aged About 55 Years R/o. House No. 34, Near Dubey Kiran, Sundar Nagar, Raipur District Raipur Chhattisgarh
3. Chhailendra Sinha S/o Harihar Prasad Sinha, Aged About 59 Years R/o. Thakur Pyarelal Ward, Near C S E B Office, Behind Daganiya, Raipur, District Raipur Chhattisgarh
4. Ramsajivan Mishra S/o Ramsharan Mishra, Aged About 52 Years Address Akikrit Bal Vikas Pariyojna, Beside Tahsil Office, Garden Road, Tilda - Neora, District Baloda Bazar Chhattisgarh
5. Dhanraj Sahu S/o Pyari Ram Sahu, Aged About 56 Years Address Akikrit Bal Vikas Pariyojna, Patpar Chowk, Opp. Tahsil Karyalaya, Bhatapara, District Baloda Bazar Chhattisgarh
6. Jahid Mohammad S/o Gul Mohamad, Aged About 56 Years Address Mahila Bal Vikas, Vinayaka Vihar, Ring Road No. 1, District Raipur Chhattisgarh
7. Chhanu Lal Sharma S/o. R.K. Sharma, Aged About 60 Years Address MIG - II / 596, Sector - II, B D Nagar, District Raipur Chhattisgarh
8. Rajesh Agrawal S/o Late Narhari Prasad Agrawal, Aged About 55 Years Address Narayan Waste Paper, Shanti Chowk, Purana Basti, Raipur, District Raipur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Its Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh
2. The Secretary, Transport Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District - Raipur Chhattisgarh
3. The Secretary, Chhattisgarh Rajya Mahila Ayog Gayatri Bhawan, 13 Jal Vihar Colony Raipur District - Raipur Chhattisgarh
4. The Secretary, Department Of Chhattisgarh, Woman And Child Welfare Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District - Raipur Chhattisgarh
5. Chhattisgarh Infrastructure Development Corporation, Through Its Managing Director, C.I.D.C., Shastri Chowk, Raipur Chhattisgarh
6. Directorate C.G. State Audit Finance Department, Indravati Bhawan, IInd Floor, Atal Nagar, Raipur, District Raipur Chhattisgarh
7. Chief Electrical Inspector, Indravati Bhawan, IInd Floor, Atal Nagar, Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri KPS Gandhi, Advocate.
For State/Res.1,2,4,6 & 7	:	Ms. Sunita Jain, GA
For Res.3	:	Mr. Amrito Das, Advocate
For Res.5	:	Mr. Anup Majumdar, Advocate

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

23/06/2021

1. Learned counsel for the petitioner would submit that the petitioner was working in erstwhile M.P.S.R.T.C., however after creation of the State of Chhattisgarh, a separate Road Transport Corporation has not been constituted in the State of Chhattisgarh, therefore, his services were placed in the control of respondent/Chhattisgarh Infrastructure Development Corporation (for short 'C.I.D.C.'). He would further submit that the State Government has issued number of circulars deciding to absorb services of the employees working in the erstwhile M.P.S.R.T.C in various Corporation/Mandals in the State of Chhattisgarh and in furtherance of the said policy several employees have already been absorbed and the case of the petitioner was also recommended, however the decision has not yet been taken and the petitioner is losing seniority, pay scale etc.
2. Learned counsel would further submit that for the present, the petitioner would confine his prayer for issuance of direction to the respondents to take a decision on the representations pending before the said authority. He is restricting his prayer in view of the order passed by this Court in the matters of **O.P. Singh Vs. State of Chhattisgarh & others, WPS 5521/2010, Abdul Hakim Vs. State of Chhattisgarh & others, WPS/473/2013, Uttam Kumar Sharma Vs. State of Chhattisgarh & others, WPS/476/2013, Raju Pandey & others Vs. The State of Chhattisgarh & others, WPS 1220/2013, Nandkumar Vaishnav &**

others Vs. The State of Chhattisgarh & others WPS/1458/2013 and Chandrayan Singh Thakur & others Vs. The State of Chhattisgarh & others, WPS/2128/2013.

3. In view of the above, the writ petition is disposed of with a direction that in the event, the petitioner submits a fresh representation before the concerned respondent within a period of four weeks, the said authority shall consider and decide petitioner's representation in an objective manner keeping in view the circular issued by the State Government from time to time, as also the orders of absorption passed with respect to the similarly placed employees, as early as possible, preferably within a period of three months from the date of submission of representation.
4. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.
5. With the above observation, the writ petition is finally disposed of.

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

Rohit