

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5071 of 2020**

1. Govind Ram Diwaker S/o Shri Tirith Ram, Aged About 41 Years Working As Office Work, At Paddy Collection Center Mandi Premise Akaltara, District Janjgir Champa, Chhattisgarh
2. Dhanraj Singh S/o Shri Sundar Lal, Aged About 34 Years Working As Chaukidar, At Paddy Collection Center Mandi Premise Akaltara, District Janjgir Champa, Chhattisgarh
3. Paras Ram Dhiwar S/o Shri Bhakhla Dhiwar, Aged About 50 Years Working As Chaukidar, At Paddy Collection Center Mandi Premise Akaltara, District Janjgir Champa Chhattisgarh
4. Vinod Kumar Jangde S/o Shri Shiya Ram, Aged About 43 Years Working As Chaukidar, At Paddy Collection Center Mandi Premise Akaltara, District Janjgir Champa, Chhattisgarh
5. Vishwanath S/o Shri Gaurishankar, Aged About 56 Years Working As Chaukidar, At Paddy Collection Center Mandi Premise Akaltara, District Janjgir Champa Chhattisgarh
6. Ganpat Lal Noniya S/o Late Shri Ghasi Ram, Aged About 56 Years Working As Chaukidar, At Paddy Collection Center Mandi Premise Akaltara, District Janjgir Champa Chhattisgarh
7. Laxmi Narayan Karsh S/o Shri Dewadhar, Aged About 49 Years Working As Chaukidar, At Paddy Collection Center Mandi Premise Akaltara, District Janjgir Champa Chhattisgarh
8. Naved Kumar S/o Shri Bhagirathi, Aged About 51 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sakti, District Janjgir Champa Chhattisgarh
9. Pushpendra Kumar Gayagwal S/o Shri Lekhram, Aged About 30 Years Working As Chaukidar, At Paddy Collection Center Mandi Premise Mulmula, District Janjgir Champa Chhattisgarh
10. Ram Kumar Nirmalkar S/o Shri Shakunda, Aged About 54 Years Working As Chaukidar, At Paddy Collection Center Mandi Premise Mulmula, District Janjgir Champa Chhattisgarh
11. Vinod Kumar Mishra S/o Shri Tribhuvan, Aged About 49 Years Working As Chaukidar, At Paddy Collection Center Mandi Premise Mulmula, District Janjgir Champa Chhattisgarh
12. Pramod Kumar Joshi S/o Shri Bishun Lal, Aged About 44 Years Working As Pointer, At Paddy Collection Center Mandi Premise

Mulmula, District Janjgir Champa Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Cooperative Department, Mahanadi Bhawan, Mantralaya, New Raipur, P.S. Rakhi, District Raipur Chhattisgarh
2. The General Manager, Chhattisgarh State Cooperative Marketing Federation Ltd., 6th Floor, Tower - C, Commercial Complex, C.B.T. Sector - 21, Naya Raipur, Atal Nagar, Chhattisgarh
3. The Collector, District Janjgir Champa, Chhattisgarh
4. District Marketing Officer, Chhattisgarh State Cooperative Marketing Federation Ltd., District Janjgir Champa Chhattisgarh
5. The Deputy Registrar, Cooperative Societies, District Janjgir Champa Chhattisgarh
6. In - Charge Officer / Field Assistant Paddy Collection Center Mandi Premise Akaltara, District Janjgir Champa, Chhattisgarh
7. In - Charge Officer / Field Assistant Paddy Collection Center, Mandi Premise Mulmula, District Janjgir Champa, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Jeet Patel, Advocate
For Respondents 2 & 4	:	Mr. Keshav Dewangan, Advocate
For State	:	Mr. Sudeep Verma, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

04.01.2021

1. The default pointed out by the Registry is ignored and with the consent of the parties the matter was heard finally.
2. The present writ petition has been filed for the following reliefs:
 - “i. That this Hon'ble Court may kindly be pleased to set aside/quash the letter dated 30.07.2020 (Annexure P-1) issued by the respondent no.2.

ii. That this Hon'ble Court may kindly be pleased to direct the respondents to grant permission to the petitioners for work under the department agency of respondents instead of private agency.

iii. That this Hon'ble Court may kindly be pleased to direct the respondents to decide the petitioners representations dated 19.08.2020."

3. Annexure P-1 is a document issued by the respondent no.2 to the respondent no.4 for determining the charges which would be charged and collected from the contractors engaged by the respondent no.2 for collection and maintenance of paddy till it is collected by the rice millers.
4. At the outset, on a specific query being put to the counsel for the petitioners, it is reflected that the petitioners herein were never engaged directly by the respondents 2 & 4 but were engaged by the contractor who was awarded the contract by the respondent no.2.
5. The claim of the petitioners is that they should not be treated to be the employee of the contractor but be treated as employee of the Department.
6. As regards the prayer of the petitioners for being treated as permanent employee of the Department, it has been specifically contended by the counsel for the respondents 2 & 4 that the collection of paddy is done only for a short period of time i.e. normally between November to February which in this year shall be collected between December to February and thereafter, there is no availability of work for which the petitioners are engaged for and therefore, they cannot claim for the same nor can they be made permanent employee of the Department.

7. Given the nature of engagement of the petitioners and on perusal of the record what reflects is that the engagement of the petitioners was for a limited period of time and beyond which there is non availability of work. Moreover, each department has its own specific cadre strength and there cannot be any engagement of employee beyond the cadre strength, The Department has its service regulations regarding appointment/recruitment which has also to be followed before an appointment is done. The petitioners having been engaged without taking into consideration the aforesaid factual details, this Court does not find any strong case made out by the petitioners granting the reliefs that they have sought for.
8. The writ petition being devoid of merits deserves to be and is accordingly dismissed.

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