

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 5454 OF 2021**

- Matti Somaiya, S/o Late Shri Matti Chandraiya, aged about 52 years, posted and working as Peon, Tribal Boys Hostel, Sanda, Block Bhopalpatnam, District Bijapur (C.G.)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Department of Tribal Welfare, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office and Police Station Naya Raipur, Atal Nagar, District Raipur (C.G.)
2. Commissioner, Department of Tribal Welfare, Indrawati Bhawan, Naya Raipur, Atal Nagar, Post Office and Police Station Naya Raipur, Atal Nagar, District Raipur (C.G.)
3. Assistant Commissioner, Department of Tribal Development, Bijapur, District Bijapur (C.G.)

... Respondents

For Petitioner	:	Mr. Dhani Ram Patel, Advocate.
For Respondents	:	Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[05/10/2021]**

1. The present Writ Petition has been filed by Petitioner seeking for a direction to Respondents for grant of regular pay-scale to Petitioner under the contingency services immediately on completion of three years of service from the initial date of appointment.
2. Learned Counsel for Petitioner submits that Petitioner is in employment since 3.11.1989 and therefore he is entitled for grant of regular pay-scale after completion of three years of service. He further submits that a similar relief has already been granted to certain persons whose services were also regularized in the State Government in the year 2008. He refers to an Order dated 23.1.2019 stating that the said order is in respect of identically placed persons.

3. Learned State Counsel at this juncture submits that it would be better if Petitioner files a fresh detailed representation to Respondents No.2 & 3 along with all relevant documents in support of his claim including the orders of the State Government as also the orders of the High Court in other connected petitions. Learned State Counsel further submits that in case if the representation is made, the Respondents No.2 & 3 shall decide the same within a further period of three months from the date of receipt of representation.

4. The proposal of learned State Counsel is acceptable to learned Counsel for Petitioner.

5. Accordingly, the present Writ Petition at this juncture is disposed of with a liberty to Petitioner to move a fresh detailed representation before Respondents No.2 & 3 along with all relevant documents in this regard giving benefits to similarly placed persons, and on such representation being made, the Respondents No.2 & 3 shall consider and decide the same within a period of 90 days from the date of receipt of representation.

6. It is made clear that this Court has not expressed any opinion so far as the entitlement of Petitioner is concerned. The Authorities shall be free to take a decision purely in accordance with the rules governing the field.

7. Writ Petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge