

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 487 of 2021**

Manglesh Kumar Namdeo S/o Late Shri Sdhravan Namded, Aged About 47 Years Assistant Grade - 3, Tahsi Office, Gandai District Rajnandgaon. Chhattisgarh

---- Petitioner**Versus**

1. State Govt. Of C.G. Through - The Secretary Revenue Department Ministry Department Ministry, Atal Nagar, Capital Complex, Mahanadi Bhawan, Police Station Rakhi, New Raipur Chhattisgarh
2. Collector, Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Barun Kumar Chakrabarty, Advocate
For State	:	Mr. Kapil Maini, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/02/2021**

1. The present writ petition has been filed claiming for relief of a direction to the respondents to count the services rendered by the petitioner from 2001 till 2007 for the purpose of seniority and pension.
2. Counsel for the petitioner submits that he was initially engaged in the year 2001 in the Census Department and worked with the said department uptill 2007. Thereafter, he was given a fresh order of appointment by the State Government as Assistant Grade-III in the office of the Collector, Rajnandgaon on 05.02.2007.
3. The prayer of the petitioner is that respondents be directed to count the services of the petitioner for the period between 2001 to 2007 i.e. the period during which the petitioner has rendered his services with the Census Department.
4. Learned State Counsel submits that from the pleadings of the writ petition itself it is evidently clear that there was a break in service of the petitioner

between 2001 to 2007 as would be evident from the Annexure P-3 which shows that services of the petitioner stood discontinued in May, 2001. Further contention of the State counsel is that since there is no policy decision or a rule or a circular of the State Government which provides for grant of such benefit that petitioner is seeking for. Petitioner as a matter of right cannot claim the benefits for the said period.

5. Having heard the contentions put forth on either side and on perusal of records, admittedly it appears that petitioner was appointed in the year 2001 for Census work and thereafter there is no document to show that there has been continuity of service till 2007. Moreover, order of appointment Annexure P-1 issued in favour of the petitioner shows that petitioner for the first time was appointed under the regular employment of the State Government only vide order dated 05.02.2007. Therefore, there does not seem to be any order of appointment issued in favour of the petitioner for a period prior to 05.02.2007. Therefore for all practical purposes the services of the petitioner can be counted for the purpose of seniority and pension only from the initial date of his regular appointment under the State Government. This Court does not find any strong case made out by the petitioner for issuance of any Writ of any nature for the relief that he has sought for. The writ petition being devoid of merits stands rejected.

Sd/
(P. Sam Koshy)
Judge

Rohit