

58

HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO.2037 OF 2003

PETITIONER:

Vijai Kumar Anant, S/o Late S.R. Anant,
Aged about 45 years,
(Sub Inspector Transports),
Transport Check Post: Ghutari Tola,
Distt. Korla (C.G.) and
President,
Chhattisgarh Transport Department,
Raipur Division Karmachari Sangh,
Raipur Division, Raipur (C.G.)

Versus

RESPONDENTS:

1. The Principal Secretary,
Govt. of Chhattisgarh,
Home (Police) Department,
Secretariat,
Dau Kalyan Singh Bhawan,
Raipur (C.G.)
2. The Secretary,
State of Chhattisgarh,
R.T.O. Department,
Raipur (C.G.)
3. The Commissioner (Transport),
State of Chhattisgarh,
Raipur (C.G.)

POST FOR ORDER ON 29th SEPTEMBER, 2003

Sd/-
L.C. Bhadoo
Judge

29 September 2003

66

HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO.2037 OF 2003

PETITIONER:

Vijai Kumar Anant, S/o Late S.R. Anant,
Aged about 45 years,
(Sub Inspector Transports),
Transport Check Post: Ghutari Tola,
Distt. Korla (C.G.) and
President,
Chhattisgarh Transport Department,
Raipur Division Karmachari Sangh,
Raipur Division, Raipur (C.G.)

Versus

RESPONDENTS:

1. The Principal Secretary,
Govt. of Chhattisgarh,
Home (Police) Department,
Secretariat,
Dau Kalyan Singh Bhawan,
Raipur (C.G.)
2. The Secretary,
State of Chhattisgarh,
R.T.O. Department,
Raipur (C.G.)
3. The Commissioner (Transport),
State of Chhattisgarh,
Raipur (C.G.)

Present: -

Shri Malay Kumar Bhaduri, Advocate:

For the petitioner

Shri Ranbir Singh Marhas, Govt. Advocate:

For the State/respondents

Before: Hon'ble Shri L.C. Bhadoo. J

ORDER

(Passed on 29th September, 2003)

1. The petitioner has filed this writ petition in the personal capacity as well as in the capacity of President of Chhattisgarh Transport Department, Karmachari Sangh, Raipur, under Article 226/227 of the Constitution of India, challenging the order dated 9th June, 2003 issued by respondent No.1 by which 45 employees of various posts of

66

Home Department have been posted on deputation in Transport Department.

2. The case of the petitioner is that the petitioner is working as Sub-Inspector in the Department of Transport. Vide order dated 12.09.95, the Commissioner of Co-operatives & Registration, Co-operative Societies M.P. transferred the services of the petitioner to Transport Department and the petitioner is at present officiating President of the Chhattisgarh Transport Department Workers Union. The Transport Department of erstwhile State of Madhya Pradesh had issued a notification dated 02.02.85 modifying the orders of promotions of Class-III employees of M.P. Transport Department and this is being followed and applied by the Government of Chhattisgarh. According to this notification, particular percentage has been fixed for borrowing the services of employees of other departments on deputation. As per this notification, for the posts of Transport Inspector and Sub Inspector 15% employees can be taken on deputation from Police Department; for the post of Assistant Inspector no person can be taken on deputation; for the post of Head Constable 20% employees can be taken on deputation; and for the post of Constable no person can be taken on deputation from other departments. Contrary to the above notification, the State of Chhattisgarh, Home Department has passed the impugned order dated 09.06.2003. The impugned order is in contravention of the notification and detrimental to the workers of the Transport Department. A representation was sent to the respondent No.3 on 13.06.2003 (Annexure A-6), but nothing has been done. Therefore, the impugned order may be quashed.
3. Return has been filed on behalf of the respondents in which it has been mentioned that by deputizing the employees of other departments in Transport Department, right of the petitioner and other employees of Transport Department for that matter will not be affected. It has

(62)

been further submitted that the petitioner and six other employees of the Transport Department have also been promoted on 19.09.2003. It is further submitted that the work of Transport Department is of utmost urgency and importance. Since the recruitment process has not been initiated as yet, the employees of Home (Police) Department have been taken on deputation by the Transport Department, looking to the urgency and importance as also the revenue of the Government. This exercise has been done purely on temporary basis until the recruitment process is started. Therefore, the petition be dismissed.

4. I have heard the learned counsel for the parties.
5. At the out set, Mr. Ranbir Singh, the learned Government Advocate has not challenged the notification which has been made basis of this petition and he argued that the Government will recruit employees of the Transport Department in accordance with the notification dated 02.02.85 (Annexure A-3). Since after the formation of the State, recruitment could not be made in the Transport Department, on account of lengthy procedure. There are lot of vacancies in the Department that is why as a stop gap arrangement, on urgency basis, the employees of the Department of Police have been taken on deputation, till the regular recruitment is made.
6. Therefore, on the basis of the return filed by the respondents as well as on the basis of the submission made by the learned Govt. Advocate, I do not find any substance in the grievance of the petitioner. Moreover, vide impugned order, no employee has been taken on permanent basis. In view of the above, the writ petition is disposed of with the following observations:-

As certain employees of the Police Department have been taken on deputation, as a stop gap arrangement and these persons have been taken for smooth functioning of the Department, therefore, the petitioner's grievance is not justified. However,

63

the respondents are directed to start the process of filling the vacancies by recruitment and promotion, as the case may be, and they should complete this exercise within a period of another one year.

**Sd/-
L.C. Bhadoo
Judge**

SOMA