

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT APPEAL NO. 401 / 2013

WRIT APPEAL UNDER SECTION 2(1) OF THE CHHATTISGARH HIGH COURT (APPEAL TO DIVISION BENCH) ACT 2000

APPELLANTS

PETITIONERS

1) Dhaniram
S/o Sadiram, Caste- Kalar
Aged about 35 years,
R/o Village Bhandarpur
P.S/Tehsil- Dongargarh,
Revenue/Civil Dist- Rajnandgoan

2) Nilesh Gajshiye
S/o Late Nathulal Gajshiye
Aged about 35 years
R/o Kalkapara Ward No- 8
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan

3) Naveen Meshram
S/o Dukhram Meshram
Aged about 39 years
R/o Kalkapara Ward No- 8
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan

4) Sudhir Meshram
S/o Mahadev Meshram
Aged about 39 years
R/o Kalkapara Ward No- 8
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan

Presented by Shri. H.S. Meshram
17/6/13



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5) Kamal Karse, S/o Kunjilal Karse
Aged about 29 years,
R/o Budhwari Para, Ward No- 13,
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan

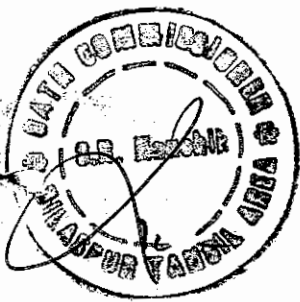
6) Ramratan, S/o Dhannulal Patel
Aged about 32 years,
R/o Village/P.O- Devkatta,
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan

7) Maansingh, S/o Prahlad
Aged about 27 years,
R/o Village Kharkatola, P.O- Chitti
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan

8) Shishupal, S/o Jaykaran
Aged about 33 years,
R/o village Bhandarpur
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan

9) Ishwar Tembhurkar
S/o Shakti Tembhurkar
Aged about 57 years
R/o of Ambedkar Ward NO- 7,
Sheemnagar, P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan

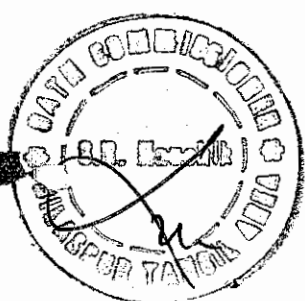
10) Heerandra Tembhurkar
S/o Sheeta Tembhurkar
Aged about 24 years,



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R/o- Behind Tourist Lodge, Sanjay
Nagar, Ward No- 9, near Water
Tank, P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan

- 11) Devichand, S/o Ramanand
Aged about 32 years
R/o Village Bhandarpur,
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan
- 12) Vijay, S/o Kushalnarayan Tiwari
Aged about 31 years,
R/o Near Tapwasi Mandir, Ward No-
9, P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan
- 13) Premsingh, S/o Maharu
Aged about 40 years
R/o Village Bhothli, P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan
- 14) Nitesh, S/o Harinath Rai
Aged about 29 years,
R/o Bhagat Singh Ward No- 16,
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan
- 15) Sujit, S/o Tikaram Karse
Aged about 26 years
R/o Indra Para, Ward NO- 4,
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan



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(4)

- 16) Ashok, S/o Mangla
Aged about 42 years,
R/o village Kalyanpur,
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan
- 17) Raju, S/o Jeevanlal Samundre
Aged about 38 years
R/o Budhwari Para, Ward No- 13
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan
- 18) Suresh, S/o Deeplal Rangde
Aged about 22 years
R/o Shohadasdas Nagar,
Jail Road, Dongargarh,
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan
- 19) Gopal, S/o Thanuram Pandey
Aged about 38
R/o Kumhar Para, Ward NO- 14
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan
- 20) Girish, S/o Bhikkhari Das Sahu
Aged about 32 years,
R/o Ambedkar Ward no- 7
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan
- 21) Mahendra, S/o Rooplal
Aged about 24 years,
R/o Chamrapar, Ward No- 20,
P.S-Dongargarh,



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(5)

Revenue/Civil Dist- Rajnandgoan

- 22) Krishna, S/o Bhikhuram
Aged about 24 years
R/o village Kharkatila, Dongargarh,
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan
- 23) Deepak Yadav, S/o Budhulal Yadav
Aged about 45 years
R/o Bhagat Singh Chowk, Ward No-
15, P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan
- 24) Rupesh, S/o Dillip Karse
Aged about 24 years
R/o Mochipara, Ward NO- 20
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan
- 25) Omprakash, S/o Bablaram
Aged about 22 years,
R/o Kumhhar Para, Ward NO- 14
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan
- 26) Savti Bai, W/o Late Vishal
Aged about 45 years
R/o Ward NO- 18, P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan
- 27) Ranjeet, S/o Jaynarayan
Aged about 30 years
R/o Tikrapara, Ward NO- 4
P.S-Dongargarh,



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Revenue/Civil Dist- Rajnandgoan

28) Mehtter, S/o Nasru
Aged about 38 years
R/o Danteshwari Para,
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan

29) Gulab, S/o Birsingh
Aged about 33 years
R/o village Devkatta,
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan

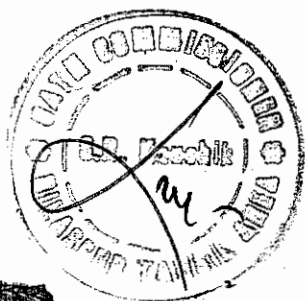
30) Manharan, S/o Ashok
Aged about 27 years
R/o village Kharkatola,
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan

31) Arvind, S/o Lallu
Aged about 30 years
R/o village Dongargarh,
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan

32) Maalti Bai, W/o Chetu
Aged about 43 years
R/o Tikrapara, Ward No-3
P.S-Dongargarh,
Revenue/Civil Dist- Rajnandgoan

VersusRESPONDENTS

1) State of Chhattisgarh
Through the Principal Secretary,



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Department of Urban Administration
& Development, Mahanadi Bhawan
Mantralaya, Naya Raipur (CG)

- 2) Municipal Council, Dongargarh
Through its Chief Municipal Officer,
Dongargarh, Dist- Rajnandgoan

**ARISING OUT OF THE ORDER PASSED BY A LEARNED SINGLE
JUDGE IN WRIT PETITION (S) NO- 1281/2013 ON DATED 1/5/2013 .**

~~1281/2013 passed by the Learned~~



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HIGH COURT OF CHHATTISGARH AT BILASPUR
DIVISION BENCH

CORAM: HON'BLE SHRI YATINDRA SINGH, C.J.
HON'BLE SHRI PRITINKER DIWAKER, J

Writ Appeal No. 401 of 2013

Appellants : Dhaniram and Others
Petitioners

VERSUS

Respondents : State of Chhattisgarh and Another

Writ Appeal under Section 2(1) of the Chhattisgarh High Court
(Appeal to Division Bench) Act, 2006

Appearance: Shri HS Ahluwalia, counsel for the Appellants.
Shri Kishore Bhaduri, Additional Advocate General,
for the State/ Respondents.

JUDGEMENT
(28th June, 2013)

1. This is a writ appeal against the order of the single judge dated 01.05.2013 dismissing the Writ Petition(S)-1281 of 2013 filed by the Appellants.

THE FACTS

2. The Appellants filed the aforesaid writ petition with the following allegations:

- The Appellants were engaged by the Municipal Council, Dongargarh, district Rajnandgaon (the Council) on daily-wages as class-IV employees, on different dates;
- There are 49 vacancies, however, the Council had advertised only seven posts on 25.03.2013. In this advertisement there is a restriction in the age;
- The Appellants have been for a long period in the Council and as such have become overage and relaxation should be granted.

3. The writ petition was dismissed so far as the question of age relaxation was concerned. But, it was disposed of with a direction to the Council to advertise all vacant posts, if there is any. Hence, the present writ appeal.

**THE DECISION**

4. We have heard counsel for the parties. There is no objection in condoning the delay in filing the appeal. The application IA-1 is allowed and the delay in filing the appeal is condoned. It is heard for admission.

5. It is not disputed between the parties that under Rule 16 of Chhattisgarh Municipal Corporation (Appointment and Conditions of Service of Officers and Servants), Rules 2007 (the Rules) relaxation in age can be granted with the previous sanction of the State Government.

6. Considering the aforesaid aspect, it would be appropriate that the Appellants may file representations before the Municipal Council, Dongargarh, through its Chief Municipal Officer, Dongargarh, district Rajnandgaon (Respondent-2). In case such representations are filed, they may be decided by Respondent-2 in accordance with law by a speaking order, if possible, within three months from the date of receipt of the representations. The Appellants will file certified copy of this order; other necessary documents and duly stamped self-addressed envelope along with their representations. Respondent-2 after taking decision will communicate the same to the Appellants.

7. With the aforesaid observations, the writ appeal is disposed of.

Sd/-
Chief Justice

Sd/-
Pritinker Diwakar
Judge

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