

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 6195 of 2008

Pila Das Anant S/o Rupau Das Satnami, Aged about 39 years, R/o village Bahunawagaon, Teh. Bemetara, District Durg (CG)

---- Petitioner

Versus

1. State of Chhattisgarh through Secretary, Nagar Avam Prashaasan Tatha Swayatt Shasan, D.K.S. Bhawan, Raipur (CG)
2. Executive Engineer, Public Works Department, Durg Division No.1, Durg (CG)

---- Respondents

For Petitioner	:	Ms. Sareena Khan, Advocate
For Respondents/State	:	Shri B. Gopa Kumar, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy

Order On Board

21/08/2015

Grievance of the petitioner in the present writ petition is that he was engaged with Municipal Corporation Nagar Panchayat, Bemetara as a daily wage worker from 30.04.1989. However, subsequently, respondent No.2 discontinued his services w.e.f. 12.01.2000.

2. According to the counsel for the petitioner, the State Govt. in between vide Annexure P-7 dated 02.12.2000 had issued a general instruction to all the departments whereby it was observed that the daily wage workers whose services on an earlier occasion were discontinued, subsequently, if the need so arises, their services will again be taken up and the vacant posts be filled up by the said daily wage workers. According to the counsel for the petitioner, this circular of the State Govt. has not been implemented by the respondents in respect of the daily wage workers. Counsel for the petitioner also refers to a decision of this Court passed in W.P.(S) No. 5403 of 2008 whereby the writ petition was disposed of with a direction to the petitioner for making representation to the respondents for redressal of his grievance in the light of the circular of the State Govt. dated 02.12.2000. She prays for the present writ

petition be also disposed of similarly.

3. State counsel at this stage submits that he does not have any objection if the petition is disposed of with a direction to the petitioner to approach the respondent Authorities by making a fresh representation in the light of the circular of the State Govt. dated 02.12.2000 (Annexure P-7) subject to the fact that the said circular is also applicable upon the establishment where the petitioner was working on earlier occasion as a daily wage worker.

4. In view of the submissions made by both the counsel, the petition is disposed of with a direction to the petitioner, if he so desires, to approach the respondent Authorities by making a fresh representation or pursuing his earlier representations dated 19.06.2001 and 20.05.2008. In turn, the concerned authorities are also directed to decide the same in accordance with law. It is made clear that this Court has not expressed any opinion on the merit of the case and the Authority concerned would decide the representation of the petitioner on its own merit keeping in view the fact as to whether the circular relied upon by the petitioner is also applicable in the establishment where he was working as a daily wage worker.

5. With the aforesaid observation, the instant writ petition stands disposed of.

Sd/-

**(P Sam Koshy)
Judge**