

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2591 of 2011**

1. Mahesh Kumar Devangan S/o- Shri Shankar Lal Devangan Aged About 46 years Presently Working As Chowkidar In Govt. Ayurvedic Pharmacy, Raipur, Chhattisgarh.
2. Ashok Kumar Dhruv Aged About 39 Years S/o Shri Sahnik Ram, Presently Working As Medicine Maker In Govt. Ayurvedic Pharmacy, Raipur, Chhattisgarh
3. Chamarin Bai Banjare Aged About 51 Years W/o Late Mangtu Ram, Presently Working As Medicine Maker In Govt. Ayurvedic Pharmacy, Raipur, Chhattisgarh
4. Mohan Lal Bharyai Aged About 37 Years S/o Late Bhakhalu Ram, Presently Working As Medicine Maker In Govt. Ayurvedic Pharmacy, Raipur, Chhattisgarh
5. Brijlal Banjare Aged About 41 Years S/o Shri Manrakhan Lal Banjare, Presently Working As Medicine Maker In Govt. Ayurvedic Pharmacy, Raipur, Chhattisgarh
6. Pawan Kumar Mahanand Aged About 46 Years S/o Late Kishan Lal Mahanand, Presently Working As Sweeper In Govt. Ayurvedic Pharmacy, Raipur, Chhattisgarh
7. Ashok Kumar Bharti Aged About 44 Years S/o Shri Chakrapdi Bharti, Presently Working As Sweeper In Govt. Ayurvedic Pharmacy, Raipur, Chhattisgarh

---- Petitioners**Versus**

1. State of Chhattisgarh Through- Secretary/ Under Secretary, Department of Health And Family Welfare, D. K. S. Bhawan, Mantralaya, Raipur, Chhattisgarh.
2. Director Indian Medical Treatment And Homeopathy, Raipur, Chhattisgarh
3. Superintendent Govt. Ayurvedic Pharmacy, Raipur, Chhattisgarh
4. Deputy Director Govt. Ayurvedic Pharmacy, Raipur, Chhattisgarh

---- Respondents

For Petitioners	:	Shri Pawan Shrivastava, Advocate
For Respondent -State	:	Shri S. Majid Ali, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

04/08/2015

1. Petitioners claim to be working on different class-IV posts in the establishment of Government Ayurvedic Pharmacy, Raipur. They have prayed for quashment of the order dated 05.03.2010 (Annexure P-1), whereby their representation seeking regularization in terms of the circular dated 05.03.2008 has been rejected.
2. The following is the date of initial appointment of the petitioner mentioned against their names :

Name	Date of appointment
Mahesh Kumar Devangan	08.02.1991
Ashok Kumar Dhruv	12.08.1994
Chamarin Bai Banjare	31.01.1991
Mohan Lal Bharyaj	09.09.1992
Brijlal Banjare	30.12.1992
Pawan Kumar Mahanand	01.11.1995
Ashok Kumar Bharti	23.12.1989

3. Petitioners had earlier preferred WPS No.2555/09, which was disposed of with direction to consider petitioners' representation. It is this representation which has been rejected by the impugned order.
4. Under the circular dated 05.03.2008, a daily wager or adhoc appointee is entitled for regularization, if he has been appointed during the period

1.1.1989 to 31.12.1997; has been in continuous service on the date of consideration of his case for regularization and has completed service of 10 years or more. For a continuous service, the break in service in a particular year shall not be more than one month.

5. The impugned order nowhere states as to on which prescribed ineligibility the petitioners are not entitled for regularization. It is settled law that when right of consideration for regularization originates from government instructions, while rejecting the claim, the authorities have to assign reasons, otherwise aggrieved party would not be aware about the reason and likewise the appellate authority or for that matter the writ Court would not be properly assisted in deciding the matter in a proper manner. The impugned order does not satisfy the requirement of principle of natural justice as the same has been passed without assigning any reason.
6. For the foregoing, the impugned order is quashed and the matter is remitted back to the concerned competent authority for taking a fresh decision in the matter by passing a duly reasoned order for each of the petitioner. Let fresh decision be taken within a period of three months from the date of submission of certified copy of this order.
7. Accordingly, the writ petition is disposed of.

Sd/-

Judge

Prashant Kumar Mishra

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