

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5897 of 2011

1. Virendra Kumar Kandra S/o Late Shri Nandgainha, Aged about 46 years R/o Kopra, Post Fingeshwar, District Raipur (C.G.)
2. Jaggannath Pandey, S/o Kedarnath Pandey, Aged about 48 years, R/o Village Amethi, Post Fingeshwar, District Raipur (C.G.)
3. Salik Ram Dewangan, S/o Mansaram, Aged about 48 years, R/o Village Jamahi, Post Fingeshwar, District Raipur (C.G.)
4. Amrit Lahoriya S/o Ajay Singh, Aged about 49 years, R/o Village Gaon, District Raipur (C.G.)

---- Petitioners

Versus

1. State Of Chhattisgarh, Through the Secretary, Department of Forest, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Principal Chief Conservator Of Forest, Raipur, District Raipur (C.G.)
3. The Chief Conservator of Forest (Administration), Aranya Bhawan , Medical College Road, Raipur, District Raipur (C.G.)
4. The Conservator Of Forest Raipur District Raipur (C.G.)
5. The Divisional Forest Officer, East Raipur Division, District Raipur (C.G.)

---- Respondents

For Petitioners	Ms. Neha Verma, Advocate
For Respondent /State	Mr. Majid Ali, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

24/08/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioners have preferred this writ petition seeking quashment of the order – Annexure P/1, whereby, the Chief Conservator of Forest, Chhattisgarh, Raipur has rejected their case for regularization.

(3) Pursuant to the decision rendered by the Supreme Court in the

matter of **Secretary, State of Karnataka and others vs. Umadevi (3) and others, (2006) 4 SCC 1**, the State Government issued a Circular on 05.03.2008 *inter alia* directing that all such daily wagers, who have been appointed during the period from 01.01.1989 to 31.12.1997 and have continuously worked during the said period and are still continuing as daily wagers shall be entitled for regularization. For continuous service, the daily wagers should not have break in service for more than one month in a particular calendar year.

(4) By the impugned order, it has been stated that the break in service of the petitioners is for more than one month, therefore, they are not entitled for regularization. The impugned order is not a speaking order inasmuch as, the details of continuous service including the period of break in service has not been mentioned. This Court has come across several other orders, wherein, regularization has been refused after producing details of the period of continuous service including the period of break in service. However, the present impugned order does not provide such details.

(5) Therefore, the matter is remitted back to the Conservator of Forest (Administration/Non Gazetted), Chhattisgarh, Raipur, for passing a detailed speaking order producing all the required particulars therein in the manner indicated above. Let fresh order be passed in the matter within a period of 06 months from today.

(6) Accordingly, the writ petition stands disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)