

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5750 of 2007**

- Ramashankar Jaiswal S/o Shri Basdev Jaiswal, Occupation - Service, R/o Rest House, Katghora, Tehsil - Katghora, Divisional Office No. 01, Katghora, District - Korba (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh, through – Secretary, Public Works Department (P.W.D.) D.K.S. Bhavan, Raipur (C.G.)
2. The Executive Engineer, P.W.D. Department (Building & Roads) Bilaspur Division, Bilaspur, District - Bilaspur (C.G.)

---- Respondents

For Petitioner:

None.

For State :

Shri B.Gopa Kumar, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/11/2015**

1. The Petitioner through the present Writ Petition has sought relief for regularisation on the post of cook in place of caretaker.
2. The grievance of the Petitioner is that he was working as a daily wage employee with the Respondent since 1982 as cook, however subsequently in the year 2005 his services were regularised on the post of care taker. This regularisation is not proper as his services ought to have been regularised to the post of cook.
3. Learned Counsel for the State opposing the same submits that his service has been regularised to the post of caretaker taking into consideration the fact and circumstance of the case particularly the fact that regularisation

can only be done against the post available to the Respondent and that the daily wage employee can not be choosy about the post to which he should be regularised. When the Respondent authorities got sanctioned the post of caretaker, the case of Petitioner in 2005 was considered for regularisation and which the Petitioner accepted without any protest. Subsequently, the Petitioner has filed Writ Petition seeking change of regularised job i.e. he has sought for regularisation to the post of cook in place of caretaker.

4. This is the opinion of the Court that it is neither permissible in law nor does the Petitioner have any right for being regularised on a particular post. The regularisation of post would be only against sanctioned vacant post. The Petitioner having been regularised on the sanctioned vacant post of caretaker and which he then accepted, grievance raised by the Petitioner now is misconceived and does not warrant any interference by this Court, Accordingly the Writ Petition being devoid of merit is dismissed.

Sd/-
(P. Sam Koshy)
JUDGE