

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 386 of 2014**

1. The Municipal Corporation & Anr. Through
The Commissioner Municipal Corporation
Raipur Cg
2. Commissioner Munnicipal Corporation
Raipur Cg

---- Appellants**Versus**

1. Shanker Chetiyar & Ors. Aged About 45
Years Bajrag Nagar Raipur Ps. Amapara
Raipur Cg
2. State Of Chhattisgarh Through Principal
Secretary Department Of Administration
And Development Mantralaya Mahandi
Bhawan New Raipur Cg
3. Under Secretary Department Of Urban
Administration And Develoment,
Mantralaya, Mahanadi Bhawan, New
Raipur, Civil & Revenue Distt Raipur,
Cg
4. Mohinuddin Asharfi Aged About 63 Years
Occupation Superintendent Fire
Brigade Office Nagar, Nigam Raipur
Tikrapara Near P.s. Station
Tikrapara Raipur C.g.
5. B.L. Chandrakar Fire Chief Nagar Nigam
Raipur Head Office Raipur C.g.

---- Respondents

For Appellants :	Shri HB. Agrawal, Sr. Advocate along with Shri Pankaj Agrawal.
For Respondent No.1	Shri SK. Dadsena.
For Respondent No.2 & 3/ State	Shri RK. Gupta, Dy. AG.

Hon'ble The Acting Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board**Per Navin Sinha, Acting Chief Justice****03/03/2015**

1. IA No.1 has been filed to condone the delay of 336 days in filing the appeal.
2. We have heard counsel for the parties.
3. Considering the duration, delay is condoned.
4. The present appeal arises from order dated 18.7.2014 in WP(S) No.2993/14 directing reinstatement of the Respondent No.1 in the capacity of daily wager.
5. Learned Senior Counsel for the Appellants submits that he seeks a limited clarification that a daily wager has no indefeasible right to continue in service for all times to come. Discretion has to be given to the employer to keep or dispense the services of a daily wage dependent on the needs of the employer and the exigency of service required.
6. Learned Counsel for Respondent No.1 submits that one daily wager cannot be replaced by another daily wager.
7. The appeal is disposed with the observation that the right of a daily wager to continue in service is always subject to the needs and exigency of the requirement but with the condition that one daily wager cannot be replaced by another daily wager.
8. The appeal stands disposed.

ACTING CHIEF JUSTICE

JUDGE

