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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2940 of 2015**

- Medini Prasad Mishra S/o Late Shri Brijlal Mishra Aged About 42 years R/o Baikunthpur, P S Kotwali, Dist. Raigarh (Chhattisgarh).

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department Of Urban Administration & Development, Mahanadi Mantralaya, Naya Raipur , Post Office & Police Station Naya Raipur , District Raipur (Chhattisgarh).
2. Director, Directorate Of Urban Administration & Development, D- Block, Fourth Floor, Indrawati Bhawan, Raipur (Chhattisgarh)
3. Joint Director, Directorate Of Urban Administration & Development, D-Block, Fourth Floor, Indrawati Bhawan, Raipur (Chhattisgarh)
4. Joint Director, Department Of Urban Administration & Development, Bilaspur (Chhattisgarh).
5. Collector, Raigarh, Dist. Raigarh (Chhattisgarh).
6. Municipal Corporation, Raigarh, Through Its Commissioner, Municipal Corporation, Raigarh (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Rajendra Tripathi, Advocate
For Respondent-State	:	Shri YS Thakur, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****13/08/2015**

1. Petitioner was working as daily wage labourer in the erstwhile Municipal Council, Raigarh, now upgraded as Municipal Corporation. He has preferred this writ petition seeking a direction to the respondents to regularize his services as Assistant Grade-III, instead of peon.
2. Learned counsel for the petitioner would refer to the document Annexure P-1, which is a letter written by Revenue Sub-Inspector, Municipal Council,

Raigarh and the document Annexure P-2, written by the Joint Director, Urban Administration and Development, wherein it is mentioned that some times in the year 1996, the petitioner had performed clerical work in the Municipal Council. Pursuant to the order passed by this Court in WP No.1460/2005 directing the corporation to pass speaking order for petitioner's regularization, the subject mentioned therein (Joint Director's letter) is written as 'petitioner's regularization as clerk'. On the above basis, learned counsel would submit that since on some occasions the petitioner was also engaged for clerical work and he is possessing the requisite qualification of Assistant Grade-III, he should have been regularized on the said post.

3. There is nothing in the record to demonstrate that the petitioner was initially appointed or was regularly working as daily wage clerk or Assistant Grade-III. Merely because while issuing communication to the Municipal Corporation, the Joint Director mentioned in the subject that the letter concerns with petitioner's regularization as clerk, a right would not accrue in his favour for regularization as clerk. In the document available at page 11, the petitioner has been referred as daily wage labourer. It appears, for most of the time the petitioner was working as daily wage labourer and not as clerk, therefore, he has no right of regularization as Assistant Grade-III, merely because he is eligible for the said post.
4. In the considered opinion of this Court, the petitioner is not entitled for the relief claimed in this writ petition. Accordingly, the writ petition is dismissed.

Sd/-

Judge

Prashant Kumar Mishra

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