

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3109 of 2015

- Shobha Singh S/o Shri Rameshwar Singh Aged About 40 Years R/o Jawahar Nagar, Ward, Jagdalpur, P.S. Jagdalpur, District Bastar Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Forest Department, Mantralaya New Raipur, P.S. Rakhi, District Raipur Chhattisgarh
2. The Consevator Of Forest, Jagdalpur Forest Circle, District Bastar Chhattisgarh
3. The Divisional Forest Officer, Bastar Forest Division, Jagdalpur, District Bastar Chhattisgarh

---- Respondents

For Petitioner	Shri Vikas A. Shrivastava, Advocate
For Respondent/State	Shri Sangharsh Pandey, Dy. GA

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board By

26/08/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner claims to be working as Driver in the District Forest Establishment at Jagdalpur. On the said basis, he is claiming a direction to the respondents to consider his representation for appointment/regularization on the post of Driver although, he has already been regularized as Peon/Watchman vide order dated 08.09.2008.

3. The petitioner has prayed for the above stated relief on the ground that despite having been regularized as Peon/Watchman, he is engaged as Driver prior to and after the regularization, therefore, he is entitled to be appointed as Driver.
4. Nothing has been brought to the notice of this Court as to under which provision of law or any executive instruction, such change of post is made permissible. The writ Court cannot issue a direction to consider the representation unless such right has accrued in favour of the petitioner on the basis of any statutory provision.
5. The Supreme Court in the matter of **Union of India and others v. Ashok Kumar Aggarwal**¹ has held thus:-

“18. A representation may be considered by the competent authority if it is so provided under the statutory provisions and the court should not pass an order directing any authority to decide the representation for the reason that many a time, unwarranted or time-barred claims are sought to be entertained before the authority. More so, once a representation has been decided, the question of making second representation on a similar issue is not allowed as it may also involve the issue of limitation, etc. (Vide *Rabindranath Bose v. Union of India*, *ESI Corpn. v. All India ITDC Employees' Union*, *A.P. SRTC v. G. Srinivas Reddy*, *Karnataka Power Corpn. Ltd. v. K. Thangappan*, *Eastern Coalfields Ltd. v. Dugal Kumar* and *Udai Shankar Awasthi v. State of U.P.*)”

6. In view of the above, relief claimed for in the writ petition, for regularizing his services as Driver is not maintainable under any statutory provisions of law or guidelines, therefore, the writ petition deserves to be and is hereby dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala

1 (2013) 16 SCC 147