

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4246 of 2015**

Gangadin Kanwar S/o Late Shri Baburam Kanwar aged about 52 years
Working as a Watchman in Govt. Girls Hr. Sec. School Marwahi residing at
Govt. Girls Hr. Sec. School Marwahi P.S. Marwahi District Bilaspur (CG)

---Petitioner**Versus**

1. State of Chhattisgarh through Secretary Department of Tribal Welfare,
Mantralaya Bhawan, Naya Raipur, Police Station Naya Raipur, District
Raipur (C.G.)
2. Commissioner, Tribal Welfare and Development, Police Station Naya
Raipur, District Raipur (C.G.)
3. Collector (Tribal Welfare and Development), Police Station Civil Lines,
Bilaspur District Bilaspur (C.G.)
4. Assistant Commissioner, Tribal Welfare and Development, Police Station
Civil Lines, Bilaspur District Bilaspur (C.G.)

----Respondents

For Petitioner	:	Mr. Ashok Kumar Swarnkar, Advocate
For Respondent/State	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****19/11/2015**

1. Learned counsel for the parties submits that this matter is covered by the decision rendered by this Court in Writ Petition (S) No. 4380/2011 (*Smt. Tulsi Bai and Others v. The State of Chhattisgarh and Others*) decided on 10/12/2013, in which, this Court has observed in paragraphs-7 & 8 as under:-

“7. It is trite law that the writ Court does not enforce the negative equality. Therefore, even for the sake of argument, it is accepted that some other persons have been granted similar relief, the petitioners are not entitled for any relief because the same would

amount to perpetuate the illegality, putting unnecessary financial burden on the State. In fact, if the argument advanced by learned counsel for the petitioners is accepted, thousands of daily wagers, who have been granted regular pay scale from the date of their regularization pursuant to one time measure in view of the decision of the Supreme Court in the matter of **Umadevi** (3) (Supra), will be required to be granted regular pay scale on completion of 3 years service as daily wager and if that is allowed, the State Government would have to incur hundreds of crores of rupees as arrears of wages, which will not be in the interest of justice.

8. For the forgoing, this Court is of the considered opinion that the petitioners are not entitled for the reliefs claimed for in the writ petitions.”

2. In view of the submissions on behalf of the parties and in view of paragraphs-7 & 8 of *Tulsi Bai* (Supra), this writ petition is dismissed.

Sd/-
(**Sanjay K. Agrawal**)
JUDGE

Tiwari