

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5939 of 2014**

- Khubu Das Manikpuri S/O Nirmal Das Manikpuar Aged About 52 Years R/O Vill. Aamgaon, Tah. Jaijaipur PS. & Civil & Rev. Dist. Janjgir-Champa C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Public Works Department Mantralaya Raipur C.G.
2. Sub Divisional Officer Public Works Department (B&R) Sub-DN, Kasdol C.G.
3. Chief Engineer, Public Works Department Bilaspur C.G.
4. Executive Engineer, Public Works Department Champa, Division Champa Dist. Janjgir-Champa C.G.
5. Superintending Engineer, Public Works Department Bilaspur Board Dist. Bilaspur C.G.

---- Respondents

For Petitioner	:	Mr. R.K. Jaiswal, Advocate
For Respondents /State	:	Mr. U.N.S. Deo, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****30/10/2015**

1. The Petitioner through the present Writ Petition has sought relief for being considered for regularization with the Respondent.
2. Learned Counsel for the Petitioner submits that the Petitioner was appointed on 23.12.1994 and since then he is continuously working with the Respondent till date. His service has not been considered for regularization. On an earlier occasion the Petitioner filed Writ Petition (S) No. 1314 /2014 which was disposed of on 12.03.2014, with a direction to consider the representation of the Petitioner. The Petitioner subsequently duly represented his case vide Annexure P-5 dated 05.04.2014, which was rejected by the Respondent on 26.04.2014 leading to filing of the present Writ Petition.

3. Counsel for the Petitioner submits that said order is bad in law and arbitrary on account of the fact that a person junior to the Petitioner namely Deodatt Sahu has been granted regularization with the Respondent, however with malafide intention the case of the Petitioner has been left out.
4. However, learned Counsel for the State opposing the Petition submits that after the earlier Writ Petition was disposed of, the case of the Petitioner was infact duly scrutinised in view of the direction for consideration of his representation, but it was found that there was no record of employment of the Petitioner prior to 01.01.2007 and that the Office found that the Petitioner has been occasionally engaged as and when there was availability of work, his service in between got discontinued on many occasions and as such continuity of the employment of the Petitioner as on 31.12.1997 itself which is the requirement as per the State Government circular dated 05.03.2008 for regularization is concerned, was missing. The Petitioner has not been able to produce any document to disapprove the contentions made by the State Government in Annexure P-7 by which the representation of the Petitioner was rejected.
5. The Supreme Court of India in matter relating to regularisation in (2014) 4 SCC 769 (School Education Department, Chennai v. R. Govindaswamy and Others) relying on its earlier decision of State of Rajasthan and Ors vs. Daya Lal and Ors, has held that appointment of ineligible candidates cannot be regularised and that even temporary, adhoc or daily wage service for a long number of years let alone service for one or two years will not entitle such employee to claim regularisation.
6. In the absence of any document to disapprove the averment made by the State Government, this Court will not go into other aspects on the merits of the case and accordingly, the Writ Petition being devoid of merit is rejected.
7. With the aforesaid observation, the Writ Petition stands disposed of.

Sd/-
P. Sam Koshy
Judge