

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2801 of 2015

1. Shashi Kant Dubey S/o Late Narbada Prasad Dueby Aged About 51 years By Occupation Peon, R/o Ward No. 15 Manendragarh, District Koriya Chhattisgarh
2. Lallu Singh S/o Baijananth Singh Aged About 52 Years By Occupation Peon R/o Village Pardol Tahsil Manendragarh, District Koriya Chhattisgarh
3. Jawahar Lal S/o Puttuwaram Aged About 52 Years By Occupation Peon R/o Village And Post Barbaspur, Tahsil And Thana Manendragarh, District Koriya Chhattisgarh
4. Shiv Kumar Rathore S/o Dhanpat Lal Rathore Aged About 51 Years By Occupation Peon R/o Khongapani Manendragarh, District Koriya Chhattisgarh
5. Balram Singh S/o Narayan Singh Aged About 50 Years By Occupation Peon R/o Village Pardol Thana And Tahsil Manendragarh, District Koriya Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Its Secretary, Tribal Welfare Department Sanchanalaya, Naya Raipur Chhattisgarh
2. Commissioner Tribal Welfare Department, Sanchanalaya, Naya Raipur Chhattisgarh
3. Assistant Commissioner Tribal Welfare Department Koriya Chhattisgarh

---- Respondent

For Petitioners	Shri Parag Kotecha, Advocate
For Respondent/State	Shri Bhaskar Payasi, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

05/08/2015

Heard learned counsel for the parties.

1. Petitioners have preferred this writ petition seeking direction to the respondents to treat and appoint them as regular employees of the respondent establishment and not as regular employee of the contingency paid establishment. They have also prayed for a direction to the respondents to accordingly modify the order dated 9-9-2008.
2. Papers filed with the writ petition would indicate that the petitioners were working as daily wagers in the Tribal Development Department, District Korea. Since they were appointed during the period 1-1-1989 to 31-12-1997 and were otherwise eligible for regularization of their services in terms of the State Government's circular dated 5-3-2008, the Collector (Tribal Development) Korea, regularized their services on 9-9-2008 mentioning that class IV daily wage post held by the petitioners are converted into post under the regular contingency paid establishment and are regularized in the pay scale of Rs.2550-3200.

3. Learned counsel for the petitioners would submit that in Surguja District daily wagers have been regularized in the regular set up of the department whereas the petitioners who belong to Korea district have been regularized in the contingency paid establishment. He would further submit that petitioners' pay is drawn from some other office and not from the office where the petitioners are posted and, as such, complications may arise in future inasmuch as on posting of employees in the regular establishment the petitioners services may be terminated.
4. There is nothing in the writ petition to substantiate the said apprehension. The petitioners having been regularized, any adverse action taken by the employer has to conform to the service rules. No such notice of any intended action has been issued against the petitioners. It appears the apprehension is ill founded. The petitioners are working at a particular place since last more than two decades and have never been shifted to any other office, therefore, the apprehension nurtured by the petitioners appears to be a mere wishful thinking. There is no cause of action for preferring the present writ petition, as the petitioners do not have any right to be regularized in a particular establishment.

5. *Ex consequenti* , the writ petition, *sans* merit, is liable to be and is hereby dismissed at the motion stage itself. However, liberty is reserved in favour of the petitioners to move a fresh, if any, adverse action is taken by the respondent authorities against them.

Sd/-

Judge

Prashant Kumar Mishra

Gowri