

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3554 of 2015

- Pramod Tiwari S/o Late Shri Vishwanath Tiwari, Aged About 47 Years
R/o Gangapur, Ward No. 47, Nalapara -1, Thana Gandhi Nagar,
Ambikapur, District Surguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Water
Resources, Mahandi Bhawan, Mantralaya, Naya Raipur Chhattisgarh
2. Chief Engineer, Hasdeo Kachhar, Water Resources Department,
Bilaspur Chhattisgarh
3. Executive Engineer, Water Resources, Division No. 2, Ramanujganj,
District Balrampur Ramanujganj Chhattisgarh

---- Respondents

For Petitioner	Shri Pravesh Sharma, Advocate
For Respondent/State	Shri P.K. Bhaduri, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

01/10/2015

1. With the consent of the learned counsel for the parties, the matter is
heard finally.
2. This writ petition has been preferred seeking a direction to the
respondents to consider the petitioner's application for regularization of
services in accordance with the circular dated 05.03.2008.

3. In the circular dated 05.03.2008, it is provided that such daily wagers, who have been appointed during the period 01.01.1989 to 31.12.1997 and were continuously working till the date of consideration of their case for regularization, shall be entitled for regularization.
4. Admittedly, the petitioner was disengaged in November, 1993 and since thereafter he is not working even as Daily Wager. The Supreme Court in the matter of **Secretary, State of Karnataka and others v. Uma Devi (3) and others**¹ has held that a daily wager, who is not on the role of department at the time of consideration for regularization, is not entitled to be regularized. Moreover, the State Government's circular itself provides that a person should have continuously worked on the post.
5. At this stage, learned counsel for the petitioner would submit that by order dated 14.08.2008, several persons, who were not working as on 31.12.1997 or thereafter, have also been regularized.
6. It is settled law that the writ Court do not enforce negative equality. A wrong decision by the Court or by the authority never operates as precedent.
7. If any person, who is not entitled to be regularized, has been considered and regularized vide order dated 14.08.2008, the respondent No.2 shall take steps to terminate the services and submit report before this Court within 3 months.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala

¹ (2006) 4 SCC 1