

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) No. 1298 OF 2014

Keshav Pawar, son of late Shri Chintu Pawar, aged about 58 years, resident of C/o Vijay Verma, Kelabadi, Durg, Police Chowki-Padmanabhpur, District- Durg (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Urban Administration & Development Department, Mantralaya, New Raipur, P.S.- Rakhi, District- Raipur (C.G.)
2. District Panchayat Bastar, through the Chief Executive Officer, District Panchayat Bastar, District- Bastar (C.G.)
3. Joint Director, Urban Administration and Development, Jagdalpur, District- Bastar (C.G.)
4. The District Selection Committee, through the Secretary/Incharge Municipal Officer, Nagar Panchayat Bastar (C.G.)
5. Ramdas Kashyap, posted as Cashier, Nagar Panchayat Bastar, District- Bastar (C.G.)
6. Anil Kumar Sao, posted as Assistant Grade-III, Nagar Panchayat Bastar, District- Bastar (C.G.)
7. Rakesh Agrawani, posted as Assistant Revenue Inspector, Nagar Panchayat Bastar, District- Bastar (C.G.)
8. The Chief Municipal Officer, Nagar Panchayat Bastar, District- Bastar (C.G.)

... Respondents

For Petitioner	:	Ms. Pragya Pandey, Advocate, under instructions of Ms. Sunita Jain, Advocate.
For Respondent-State	:	Mr. UNS Deo, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/11/2015

1. The present writ petition has been filed in March, 2014 challenging the order dated 21.2.2012, Annexure P-1, whereby Respondents Nos. 5 to 7 were regularized in the office of Respondent No.2.

2. Facts of the case in brief are that the Petitioner was initially an employee of the erstwhile Madhya Pradesh State Road Transport Corporation and by virtue of bifurcation of the State, he was allocated to the State of Chhattisgarh and subsequently the service of the Petitioner in the State of Chhattisgarh was brought under the Chhattisgarh State Infrastructure Development Corporation ('CSIDC' in short). Working as a regular employee under the CSIDC, the Petitioner was sent on deputation in Nagar Panchayat, Byauhar, District- Durg on the post of Assistant Revenue Inspector.

3. Subsequently, the Petitioner was assigned work of Cashier along with other responsibilities in the office of Respondent No.2. While the Petitioner was working at the office of Respondent No.2, the Respondent No.2 issued impugned order dated 21.2.2012, Annexure P-1, whereby Respondents Nos. 5 to 7 who were working with Respondent No.2 on daily wages prior to 31.12.1997 were regularized based on the circular of the State Government, dated 5.3.2008.

4. It is noteworthy that the Petitioner when Respondents Nos. 5 to 7 were regularized did not raise any objection and it is only after more than 2 years, i.e., in March, 2014, that the Petitioner for the first time challenges the regularization of Respondents Nos. 5 to 7.

5. Grievance of the Petitioner is that since the Petitioner is an employee of CSIDC and has been sent on deputation with Respondent No.2, the service of the Petitioner should have been absorbed by Respondent No.2 before considering the case for regularization of Respondents Nos. 5 to 7.

6. Counsel for the Petitioner relies upon the circulars and orders issued by the State Government whereby it was instructed that the employees of the CSIDC sent on deputation to the different local bodies should to be considered for absorption. Counsel for the Petitioner submits that had the Petitioner's service been absorbed with Respondent No.2, the need for issuance of the order dated 21.2.2012, Annexure P-1, would not have arisen and thus prayed for allowing the writ petition and cancellation of the impugned order, Annexure P-1, granting regularization to Respondents Nos. 5 to 7.

7. The Respondents, on the contrary, opposing the writ petition challenge the locus of the Petitioner to file the present writ petition questioning the legality and veracity of the order dated 21.2.2012 on the ground that the Petitioner is not one of the persons who have been superseded or denied his original claim while the case of Respondents Nos. 5 to 7 was being considered. According to Respondents Nos. 5 to 7, they have been in employment of the Respondent-department prior to 31.12.1997 and as per the circular dated 5.3.2008 they were eligible for being considered for regularization and on the basis of the said circular their cases were scrutinized, verified and on finding them to be competent and eligible, the Respondent-department had issued the order dated 21.2.2012, Annexure P-1. It was further contended by the Respondents that since the Petitioner is otherwise a regular employee of the State Government, he had no locus in questioning the regularization of Respondents Nos. 5 to 7 as they have not in any manner infringed or encroached on the claim of the Petitioner for absorption and that they have been considered for regularization independent of the circular issued by the State Government on the issue of regularization.

8. Considering the total facts and circumstances of the case and appreciating the contentions put forth on behalf of either side, a perusal of the record would itself show that the Petitioner is as such a regular employee of the CSIDC and his grievance is that of absorption, whereas, the impugned order is that of regularization. The Petitioner as such does not have any right to question the regularization of some daily wage workers as the claim of the Petitioner has not been encroached or got denied by virtue of the act on the part of the Respondent-department in regularizing the services of Respondents Nos. 5 to 7.

9. Thus, the writ petition being totally misconceived and devoid of merits, deserves to be and is accordingly dismissed.

10. No costs.

Sd/-
(P. Sam Koshy)
Judge