

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 4282 of 2013

Rajendra Lal, aged about 38 years, S/o Late Shri Lalla Ram,
Occupation working Office Assistant (Suraksha Shramik Kariya Eywam
Awak Jawak Kariya) in the office of Range Office Baharshi, Forest
Division-Manendragarh, R/o Village Bharatpur, Thana Janakpur,
District Koriya (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh through Secretary, Department of Forest,
Mantralaya, Mahanadi Bhawan, Naya Raipur, CG
2. Conservator of Forest, Circle-Surguja, Ambikapur, District
Surguja, CG
3. Divisional Forest Officer, Forest Division Manendragarh, District
Koriya, CG
4. Forest Ranger, Baharasi, District Koriya, CG

---- Respondents

For Petitioner	:	Shri Vinay Pandey, Advocate
For Respondents/State	:	Shri Garry Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09/10/2015

The petitioner through the present writ petition challenges the order dated 03.10.2013 Annexure P-1 passed by the respondents whereby the respondents, on scrutiny and verification of the service details of the petitioner, found him not fit for being regularized his services under the respondents.

2. Present is a second round of litigation. Earlier, the petitioner had preferred a writ petition registered as W.P.(S) No. 2292 of 2013 wherein the grievance of the petitioner was that the respondents in stead of scrutinizing the claim of the petitioner for regularization had in fact proceeded to fill up the sanctioned vacant post of Forest Guard by way of direct recruitment.

3. This Court on 01.08.2013 while disposing of the said writ petition directed the respondents particularly respondent No.2 to take a final decision on the claim of the petitioner for regularization before finalizing the selection process of Forest Guard by way of direct recruitment.

4. Pursuant to the order dated 01.08.2013 passed in W.P.(S) No. 2292 of 2013, the case of the petitioner was scrutinized and verified and in the course of verification of the service details of the petitioner it was found that the attendance of the petitioner for the last almost 10 years was very poor. The details of the attendance of the petitioner for the last 10 years on verification was found as under:

<u>Year</u>	<u>Attendance</u>	<u>Year</u>	<u>Attendance</u>
2004	26 days	2009	0 days
2005	52 days	2010	52 days
2006	169 days	2011	182 days
2007	130 days	2012	286 days
2008	26 days	2013	156 days

5. On the basis of the said finding the impugned order dated 03.10.2013 Annexure P-1 has been passed whereby the respondents have refused to accept the claim of the petitioner for regularization.

6. Counsel for the petitioner submits that the details of the attendance shown by the respondents in Annexure P-1 is totally incorrect, arbitrary and also false and has been created/concocted only with an object for somehow defeating the claim of the petitioner. Counsel for the petitioner referred to the document Annexure P-2 dated 15.02.2009 wherein the details of the attendance of the petitioner from 1997 till date and also the salary that he had drawn for all this period have been shown.

7. However, the State Govt. in their return have come up with a stand that the said document Annexure P-2 was subjected to verification/enquiry by a Committee consisting of senior officers of

the Forest Department. On examining the records and vouchers regarding the attendance and the payment made to the petitioner the Committee had given a report i.e. Annexure R-2 wherein the Committee found the information as per Annexure P-2 to be false and in fact, the actual number of working days of the petitioner during the previous 10 years are what is reflected in paragraph-4 of this order.

8. The said reply of the State Government was filed as early as in January, 2014 and till date no rejoinder whatsoever has been filed by the petitioner rebutting the contents stated by the State in their reply and also countering the contentions of the State Government.

9. In the absence of any document disproving the submissions and contentions of the State Government in their reply as also the documents enclosed therein including the enquiry report Annexure R-2, this Court, exercising its extraordinary jurisdiction under Article 226 of the Constitution of India, is left with no other option but to accept the submission of the State Government and hold that pursuant to the directives given by this court in W.P.(S) No. 2292 of 2013 dated 01.08.2013, the case of the petitioner was in fact subjected to scrutinize and in the scrutiny the petitioner's past services were found to be not up to the mark which resulted in the rejection of the claim of the petitioner for regularization of his services. Thus, this Court does not find any illegality, infirmity or *mala fides* in the process of issuance of Annexure P-1 dated 03.10.2013.

10. As a consequence, the writ petition being devoid of merit deserves to be and is accordingly dismissed.

**Sd/-
(P. Sam Koshy)
JUDGE**