

**IN THE HIGH COURT OF CHHATTISGARH AT
BILASPUR (C.G.)**

W.P. (S) NO. 1485 /2005

(O.A. NO. 177 OF 1997)

(SINGLE BENCH SERVICE MATTER)

PETITIONER : SANAT KUMAR SHARMA
APPLICANT

VERSUS

RESPONDENTS : STATE OF CHHATTISGARH
NON-APPLICANT : AND OTHERS

DETAILS OF APPLICATION

(U/S 19 OF THE A.T. ACT, 1985)

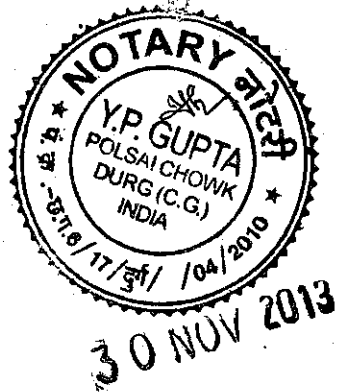
1. PARTICULARS OF THE APPLICANT:-

- (i) Name : Sanat Kumar Sharma
- (ii) Date of Birth : 13.11.1965
- (iii) Father's Name : Late Shiv Kumar Sharma
- (iv) Qualification : B.Com (Typing Clear)
- (v) Date of appointment : 09.01.1987
- (vi) Office Address : Forest Division Office

Establishment Section

Behind Polytechnic

College, Durg (M.P.)



V. G. Tamaskar
ADVOCATE
HIGH COURT OF C.G.
MOHAN NAGAR,
DURG (C.G.)

2. **PARTICULARS OF THE RESPONDENTS:-**

(1) **State of Madhya Pradesh**

Through:- Secretary

Forest Department

Govt. of M.P.

Bhopal (M.P.)

(2) **Secretary**

Govt. of M.P. G.A.D. Department

Vallabh Bhawan

Bhopal (M.P)

(3) **Chief Conservator of Forest**

Govt. of M.P.

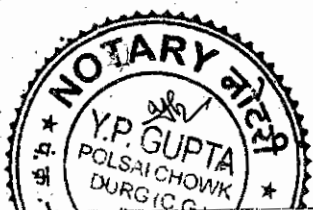
Satpuda Bhawan

Bhopal (M.P)

(4) **Division Forest Officer**

Forest Division, Durg,

Durg (M.P.)





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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1059 of 2005

- Sanat Kumar Sharma

---- Petitioner

Versus

- State of Madhya Pradesh (now Chhattisgarh) & Others

---- Respondent

And

WPS No. 1060 Of 2005

- Arun Sharma

---- Petitioner

Vs

- State of Madhya Pradesh (now Chhattisgarh) & Others

---- Respondent

And

WPS No. 2780 Of 2005

- Arun Sharma & Another

---- Petitioner

Vs

- State of Madhya Pradesh (now Chhattisgarh) & Others

---- Respondent

WPS No. 1485 Of 2005

- 
- Sanat Kumar Sharma

---- Petitioner

Vs

- State of Madhya Pradesh (now Chhattisgarh) & Others

---- Respondent

For Petitioners

Shri V.G. Tamaskar, Advocate

For Respondent/State

Shri S. Majid Ali, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

09/03/2016

1. These writ petitions were originally filed before the erstwhile Madhya Pradesh State Administrative Tribunal as original applications under Section 19 of the Administrative Tribunals Act, 1985, claiming regularisation on the different class IV posts in the Department of Forest with effect from the date of their initial appointment.
 2. Shri Tamaskar, learned counsel appearing for the petitioners, would submit that the petitioners having been protected from termination by interim order passed by the Tribunal they are entitled to be regularised from the date of initial appointment.
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3. After placing reliance on various decisions of the Supreme Court, this Court in **Smt. Kumari Bai & Others v. State of Chhattisgarh & Others**¹ and other connected matters, while dealing with the similar plea raised by the daily wagers has held thus in para 13 :

'13. The regularization from a particular date has several aspects on which the order is passed since it depends upon availability of posts in a particular office/cadre, *inter-se* seniority of persons working on casual basis/daily-wagers and seniority of regular appointees, therefore, this Court, in the light of the above decisions of the Supreme Court, is of the considered opinion that to pass an order or regularization from a particular date is basically a policy decision and this Court need not interfere in such matters unless a right has accrued in favour of the employees to be regularised from a particular date, which is the cut-off date declared by the State Government.'

4. Merely because interim order was passed in favour of the petitioners staying their termination as daily wager, the same would not improve their case nor would change the settled legal position in this regard.
5. As an upshot, all the writ petitions, *sans* merit, are liable to be and are hereby dismissed, leaving the parties to bear their own costs.

Gowri

Sd/-
Prashant Kumar Mishra
Judge

¹ WPS No.1029 of 2009 (decided on 11-2-2013)