

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No.186 of 2016

Ganesh Athode, S/o Kanhu Athode, age about 43 years, R/o
Bada Bhavani Nagar, Kota, Raipur (C.G.)

---- Appellant/

Versus

1. State of Chhattisgarh, Through Secretary, Forest Department,
Naya Raipur, Mantralaya, Raipur (C.G.)
2. Chief Conservator of Forest, Forest Circle Raipur, Jail Road,
Raipur (C.G.)
4. Divisional Forest Officer, Van Prabandh, Suchana Pranali Van
Mandal, Raja Talab, Raipur (C.G.)

---- Respondents

For Appellant: Mr. K.P.S. Gandhi, Advocate.
For Respondents/State: Mr. Y.S. Thakur, Deputy Advocate General.

Hon'ble the Chief Justice and
Hon'ble Shri Justice Sanjay K. Agrawal

Judgment On Board

Per Deepak Gupta, Chief Justice

22/08/2016

1. This writ appeal is directed against the order dated 9-2-2016 passed in Writ Petition (S) No.1184/2013 by the learned Single Judge dismissing the said writ petition filed by the appellant herein (hereinafter referred to as 'the writ petitioner').
2. Undisputed facts are that the writ petitioner was working as a daily-wager employee. It is not disputed that initially, his name was sent for regularization by the authorities. Thereafter, some questions were raised with regard to eligibility and the matter was again referred back to the Scrutiny Committee and this time, the Scrutiny Committee found that for the years 1994,

1995, 1996, 1997 and 1998, the writ petitioner had break-in-service of one month in each of the years and therefore his service could not be treated continuous service and as such, he was not entitled to regularization.

3. Learned Single Judge dismissed the petition on the ground that since there was break-in-service, the writ petitioner was not entitled for regularization. We may also point out that the learned Single Judge has made reference to the judgments of the Supreme Court in the matter of **Secretary, State of Karnataka and others v. Umadevi (3) and others**¹ and also made reference to the earlier order dated 30-7-2014 passed in W.P.(S)No.3441/2014 (Virendra Kumar Upadhyaya v. State of Chhattisgarh and others) wherein similar question was involved. In that case, the writ petition and the writ appeal were dismissed and it has been pointed out that even the SLP filed before the Supreme Court was also dismissed.
4. In this view of the matter, we do not find any merit in the appeal and the appeal is accordingly dismissed.

Sd/-
(Deepak Gupta)
Chief Justice

Sd/-
(Sanjay K. Agrawal)
Judge

Soma