

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2180 of 2016

Girdhar Pandey S/o Shri Shivanand Pandey, Aged About 44 Years Presently Working As Watchman (Daily Wages Employee) Keshkal Forest Barrier, Forest Division Keshkal, District Kondagaon, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Principal Secretary, Department Of Forest, Mantralaya, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. The Principal Chief Conservator Of Forest, Raipur, District Raipur, (Chhattisgarh)
3. The Chief Conservator Of Forest, Circle Kanker, District Kanker, (Chhattisgarh)
4. The Divisional Forest Officer, North Forest Division Kondagaon, District Kondagaon, (Chhattisgarh)
5. The Divisional Forest Officer, Keshkal, District Kondagaon, (Chhattisgarh)
6. Satya Narayan, S/o Maniram, Aged About 47 Years Presently Working As Watchman Vishrampuri Bade Rajpur, District Kondagaon, (Chhattisgarh)
7. Ghanshyam Yadav, S/o Chatur Ram Yadav, Aged About 42 Years Presently Working As Watchman In Forest Divisional Keshkal, District Kondagaon, (Chhattisgarh)
8. Kamal Dewangan, S/o Mahatma Dewangan, Aged About 53 Years Presently Working As Watchman In Forest Divisional Keshkal, District Kondagaon, (Chhattisgarh)
9. Ganeshu, S/o Patiram, Aged About 38 Years Presently Working As Watchman In Forest Divisional Keshkal, District Kondagaon, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Sushil Dubey, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/06/2016

Heard on admission.

1. The petitioner has filed this petition aggrieved on account of non-consideration of his case for regularization. Learned counsel for the petitioner submits that number of persons who were junior to the petitioners have been regularized, but till date, no order of regularization has been passed in case of the petitioner though his case was also scrutinized for regularization and a recommendation for his regularization was also made by the Scrutiny Committee which was forwarded to the DFO vide memo dated 18.2.2009.
2. From the pleadings and documents which are on record, it is found that the some of the daily wage employees have been regularized on the basis of policy decision dated 5.3.2008 taken by the State Gov. Moreover, the petitioner was also considered along with other persons and his name has also been recommended vide momo dated 18.2.2009. Therefore, in these circumstances, when there exists a policy of the State Govt. issued on 5.3.2008, the case of the petitioner also requires due consideration for regularization as per the policy of the State Govt. and consistent with the law laid down by the Supreme Court in the case of **Secretary, State of Karnataka and Ors. Vs. Uma Devi (3) & Ors (2006) 4 SCC 1**.
3. In view of the above consideration, the petition at this stage, is disposed off, with a direction to respondent No.5/DFO, Keshkal, District- Kondagaon to take decision with regard to petitioner's claim for regularization within a period of 3 months from the date of receipt of copy of this order. Either the petitioner is to be regularized or if he cannot be regularized, a speaking order should be passed clearly stating the reasons for his non-regularization and should also be communicated to the petitioner so that if he is aggrieved, he may take recourse to appropriate remedy.

Sd/-
(Manindra Mohan Shrivastava)
Judge