

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3421 of 2016

- Ajay Sharma S/o Shri Shatruhan Lal, Aged About 42 Years R/o Podibhatha, Akaltara, Tahsil Akaltara, Civil And Revenue District Janjgir Champa, (Chhattisgarh)

---- Petitioner

Versus

- State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mantralaya Bhawan, New Raipur, (Chhattisgarh)
- Municipal Council, Akaltara, Through The Chief Municiple Officer, Municiple Council, Akaltara, District Janjgir Champa, (Chhattisgarh)

---- Respondents

And

WPS No. 3449 Of 2016

- Shakeel Khan S/o Shri Suleman Khan, Aged About 45 Years R/o Behind Jain Mandir, Akaltara, Tahsil Akaltara, Civil And Revenue District Janjgir Champa Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administraiton And Development, Mantralaya, Bhawan, New Raipur Chhattisgarh
2. Municipal Council, Akaltara, Through The Chief Municipal Officer, Municipal Council Akaltara, District Janjgir Champa Chhattisgarh

---- Respondents

And

WPS No. 3454 Of 2016

- Mohd. Imran Ahmad S/o Shri Nisar Ahmad, Aged About 37 Years R/o Jai Hind Nagar, Akaltara, Tahsil Akaltara, Civil And Revenue District Janjgir Champa, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mantralaya Bhawan, New Raipur, (Chhattisgarh)
2. Municipal Council, Akaltara, Through The Chief Municiple Officer, Municiple Council, Akaltara, District Janjgir Champa, (Chhattisgarh)

---- Respondent

And

WPS No. 3425 Of 2016

- Ashok Kumar Rathor S/o Late Shri Indal Prasad, Aged About 44 Years R/o Village Nariyara, Tahsil Akaltara, Civil And Revenue District Janjgir Champa, (Chhattisgarh)

---- Petitioner

Vs

- State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mantralaya Bhawan, New Raipur, (Chhattisgarh)
- Municipal Council, Akaltara, Through The Chief Municiple Officer, Municiple Council, Akaltara, District Janjgir Champa, (Chhattisgarh)

---- Respondents

And

WPS No. 3453 Of 2016

- Bheem Banjare S/o Shri Jheelan Banjare, Aged About 43 Years R/o Mandi Road, Akaltara, Tahsil Akaltara, Civil And Revenue District Janjgir Champa Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administraiton And Development, Mantralaya, Bhawan, New Raipur Chhattisgarh
2. Municipal Council, Akaltara, Through The Chief Municipal Officer, Municipal Council Akaltara, District Janjgir Champa Chhattisarh

---- Respondent

And

WPS No. 3456 Of 2016

- Laxmi Prasad Kumbhkar S/o Shri Kanhaiya Lal Kumbhkar, Aged About 46 Years R/o Village Bargawa, Tahsil Akaltara, Civil And Revenue District Janjgir Champa, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Adminstration And Development, Mantralaya Bhawan, New Raipur, (Chhattisgarh)
2. Municipal Council, Akaltara, Through The Chief Municiple Officer, Municiple Council, Akaltara, District Janjgir Champa, (Chhattisgarh)

---- Respondents

For Petitioners	:	Mr. Ravindra Agrawal, Advocate
For State	:	Mr. S.P. Kale, Dy. Adv. General on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/08/2016

Heard.

1. All the petitioners in the above petitions are working as daily wage employees in Municipal Council, Akaltara. The claim of the petitioners' is for regularization of service pursuant to the Circular dated 05.03.2008 of the State Government and Circular dated

03.04.2008 of the Department of Urban Administration and Development.

2. Learned counsel for the petitioners submits that all the petitioners are working as daily wage employees since their initial date of appointments. It is the case of the petitioners that they all have been appointed prior to 31.12.1997 in the Local Body. In view of the judgment of the Supreme Court in the case of **Secretary, State of Karnataka and others Vs. Uma devi (3) and others, 2006 (4) SCC 1**, State Government promulgated a general Policy for regularization on 05.03.2008 and another Circular for the Department of Urban Administration and Development also. As the petitioners have been appointed prior to 31.12.1997, their cases deserve to be considered as per provisions in the Policy.
3. Learned State counsel submits that though State Government has framed a Policy, the Local Body has to examine and scrutinize the cases of employees individually before regularization according to the Policy of the State Government.
4. It is found that the petitioners have preferred representations to Authority and on 03.06.2016, the Local Body has also passed a resolution to seek creation of posts to facilitate regularization.
5. In view of the above, the claim of the petitioners does not appear to be frivolous and requires serious consideration.
6. Considering that the Local Body has resolved to seek instruction of the State Government on 03.06.2016, the Government shall consider the request of the Local Body in accordance with its own Policy of creation of posts to facilitate regularization in view of the Circular dated 05.03.2008 and Circular dated 03.04.2008. It would

be upon decision of the State Government that the Local Body shall complete the process of scrutiny and take decision in the cases of the petitioners as early as possible.

7. In view of the above, I am not inclined to keep the matter pending, but to issue direction to the respondent - authority for scrutiny of the individual cases of the petitioners as per Government Policy subject to sanction, if any, granted by the State Government. It is expected that the State and Local Body shall act in accordance with the Policy so as to ensure final decision within an outer limit of six months.
8. With this observation, the petitions stand disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge