

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.6887 of 2016

- Ramdayal S/o Rijhan Ram, Aged About 41 Years Working As Peon In Tahsil Office Pratappur, District Surguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, General Administration Department, Mahanadi Bhawan, Naya Mantralaya New Raipur, District Raipur Chhattisgarh
2. Collector Cum District Election Officer, Surguja District Surguja Chhattisgarh
3. Chief Election Officer, Chhattisgarh, Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sanjay Patel, Advocate
For Respondent/State	:	Smt. Aastha Shukla, PL

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

Order On Board

20/12/2016

Learned counsel appearing for the petitioner would submit that the petitioner has preferred this writ petition seeking regularization/absorption on the ground that he is working as temporary employee on the post of Peon in the Office of State Election Commission for last many years, he has neither been regularized nor absorbed and by the impugned order dated 14-07-2016 passed by the respondents No.3, the services of the petitioner will not be extended beyond 28.02.2017. He would further submit that the State Government has time to time issued circular with regard to absorption/regularization of temporary employees and some earlier temporary employees have been regularized/absorbed in the regular post but the case of the present petitioner

has not been considered by the respondent authorities and he is entitled for consideration of his case for regularization/absorption in terms of the circulars dated 19.09.1990, 29.11.1973, 29.11.1978 and 12.06.1980 issued by the State Government.

(2) Be that as it may, the writ petition is disposed of with a direction to the respondent No.3 to consider and take decision in the case of the petitioner keeping in view the law laid down by the Supreme Court in the case of ***the Secretary, State of Karnataka and others vs. Uma Devi and Others, AIR 2006 SC 1806*** and circular applicable in the cases relating to claim of regularization issued by the government on 05-03-2008, preferably within a period of three months from the date of receipt of a copy of this order along with fresh representation.

(3) If the grievance of the petitioner is not redressed/fully redressed, the petitioner is at liberty to revive the petition.

(4) It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities may take decision in the matter on its own merit, in accordance with law.

SD/-
(**Manindra Mohan Shrivastava**)
Judge