

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3214 of 2016

1. Radhe Lal Rathore S/o Shri Shatrughan Lal Rathore, Aged About 44 Years R/o Village Sarhar Post Sarhar District Janjgir Champa (Chhattisgarh)
2. Horilal S/o Harihar Sahu Aged About 48 Years R/o Village Boridih, Sakti Tahsil Sakti District Janjgir Champa (Chhattisgarh)
3. Bihari S/o Nirbhay Ram Sahu Aged About 48 Years R/o Village Boirdih, Sakti Tahsil Sakti District Janjgir Champa (Chhattisgarh)
4. Thanda Ram, S/o Adhari Gabel, Aged About 36 Years Village Dorki, Tahsil Sakti District Janjgir Champa (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through : The Principal Secretary, Department Of Urban Administration And Development Mahanadi Bhawan, New Mantralaya, Raipur (Chhattisgarh) Pin 492001
2. Director, Department Of Urban Administration And Development Mantralaya, New Raipur, Distt. Raipur (Chhattisgarh) Pin 492001
3. Joint Director, Department Of Urban Administration And Development Bilaspur (Chhattisgarh)
4. Chief Municipal Officer, Nagar Palika Parishad Sakti, Distt. Janjgir Champa (Chhattisgarh)

---- Respondents

For Petitioners : Mr. Dheerendra Pandey, Advocate
For State / Respondent : Mr. R.K. Gupta, Dy. A.G. on advance copy
Nos. 1 to 3

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/07/2016

Heard.

1. The petitioners have filed this petition seeking a direction for consideration of their claim of regularization.
2. According to the petitioners, they being a daily wages employees since 31.12.1997 are entitled to be considered for regularization in terms of Circular dated 05.03.2008 passed by the State Government and the judgment of Hon'ble Supreme Court passed

in the case of Secretary, State of Karnataka **and others v. Uma Devi (3) and others**. They submit that the cases have already been considered by the employer and has found that the posts are not available to regularize daily wages employee like the petitioners. The proposal has already been made by Nagar Palika Parishad to the Joint Director.

3. The petitioners have placed on record a copy of resolution dated 12.07.2013 of the President in Council, which shows that the Council has resolved to appoint the petitioners and for that purpose proposal has been sent to the competent authority of the State Government for creation vacancies.
4. In view of the above, without commenting upon merits of the case, this petition is disposed off at this stage with a direction to the Joint Director to consider the proposal of the Nagar Palika Parishad and take appropriate decision in the matter of creation of posts. In the event, the sanction is granted for creation of the posts, it would be open for the Nagar Palika Parishad to consider the petitioners' claim of regularization however in accordance with the contents of circular dated 05.03.2008 and judgment of Hon'ble Supreme Court passed in in the case of **Uma Devi** (supra).

Sd/-
(Manindra Mohan Shrivastava)
Judge