

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.1162 of 2016**

Bharat Lal Sahu, S/o late Heeralal Sahu, aged about 48 years, R/o Village Birejhar, P.O. Thanod District Durg, Occupation Mazdoor (Duties of Driver has been taken since), District Durg (CG).

---- Petitioner**Versus**

1. State of Chhattisgarh, through Principle Secretary, Department Public Welfare Department, New Mantralaya, Mahanadi Bhawan, Raipur (CG).
2. Superintendent Engineer, Public Works Department, Durg Division, Durg.
3. Executive Engineer, Public Works Department, Durg Division, Durg.

--- Respondents

For Petitioner : Shri Anuraag Jha, Advocate
 For Respondents/State : Shri S.P. Kale, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

21/04/2016

(1) The petitioner's service was regularized on the post of unskilled labour vide order dated 20.08.2008 by the competent authority. Now, the petitioner has filed instant writ petition stating that he is working on the post of driver as skilled labour, therefore, he be regularized on the post of driver and salary be paid for the post of driver along with all consequential back wages.

(2) The petitioner's service has been regularized on the post of unskilled labour w.e.f. 20.08.2008, which has never been challenged by the petitioner. The petitioner's service cannot be directed to be

regularized on the post of driver as skilled labour after accepting the order dated 20.08.2008 and he is working as unskilled labour pursuant to the order dated 20.08.2008. Now, the petitioner cannot turn up and claim that he be regularized on the post of driver and salary be paid against that post, that too with all consequential back wages and instant writ petition suffers from delay and laches as the petitioner has already accepted the order dated 20.08.2008 passed by the competent authority and he cannot maintain writ petition.

(3) Consequently, the writ petition deserves to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-