

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1930 of 2016

1. Chhabilal Sori S/o Ganesh Ram Sori, Aged About 41 Years R/o Village Charauda, Tehsil Kasdol, District Baloda Bazar Bhatapara Chhattisgarh
2. Devkumar, S/o Chintaram Bhagat, Aged About 41 Years R/o Village Badgaon, Tehsil Kasdol, District Baloda Bazaar Bhatapara Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, General Administration Department, Mantralaya, Naya Raipur Chhattisgarh
2. Principal Chief Conservator Of Forest, Chhattisgarh Aranya Bhawan, Medical College Road, Raipur Chhattisgarh
3. Chief Conservator Of Forest, Raipur, Range, Raipur, Chhattisgarh
4. Divisional Forest Officer, Raipur Division, Raipur Chhattisgarh
5. Sub Divisional Officer, Kasdol, District Baloda Bazar, Bhatapara Chhattisgarh
6. Director, Barnawapara Forest Reserve, Kasdol, District Baloda Bazaar Bhatapara Chhattisgarh

---- Respondents

For Petitioners	:	Shri Ashish Beck, Advocate
For Respondent/State	:	Shri Gary Mukhopadhyay, Dy. Govt. Advocate

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

Order On Board

13/06/2016

Heard on admission.

1. The petitioners have approached this Court aggrieved by inaction on the part of respondent-authority in the matter of consideration of their cases for regularization.

2. Learned counsel for the petitioners submits that the State Govt., in order to consider cases of eligible daily wage employee for regularization as per the judgment of the Supreme Court in the case of **Secretary, State of Karnataka and Ors. Vs. Uma Devi (3) & Ors** (2006) 4 SCC 1, came out with a policy dated 5th March, 2008. More than 8 years have elapsed, but till date, the petitioners' case has not been finally decided. He submits that the Committee had made certain recommendation in which the petitioners were found fit but the DFO raised certain issue because some of the original certificates, vouchers have been disputed. The Conservator of Forest has not issued any guidelines in this matter and the matter has remained pending without any decision.
3. Learned counsel for the State submits that the case of the petitioners has not been finally decided so far, for the obvious reasons which are recorded in the memorandum dated 19.7.2012.
4. It is found that the case of the petitioners was considered by the Scrutiny Committee which found them eligible, but the DFO has raised issue with regard to authenticity of certain official documents and guidelines has been sought from the Conservator of Forest.
5. Taking into consideration that the petitioners' claim is of regularization in services and they cannot be continued in service on exploitative terms and conditions for an indefinite time, it is necessary that appropriate direction is issued to respondent No.3 to issue necessary guidelines to the Divisional Forest Officer in the matter pursuant to memo dated 19.7.2012. It should be done within a period of one month from the date of receipt of copy of this order by respondent No.3. Thereafter, within a period of 3 months, the claim of the petitioners be finally decided according to policy dated 5th March, 2008 and final order should be passed in the matter.
6. With the aforesaid direction, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge