

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.5670 of 2016**

1. Ramesh, aged about 48 years, S/o late Deepchand, R/o Nayabaradwar, Ward No.10, P.S. Naya Baradwar, Tahsil Sakti, District Janjgir Champa (CG), posted as Sweeper.
2. Shivcharan, aged about 45 years, S/o late Deepchand, R/o Naya Baradwar, Ward No.10, P.S. Naya Baradwar, Tahsil Sakti, District Janjgir-Champa (C.G.), Posted as Sweeper.
3. Prakash, aged about 42 years, S/o Shri Jagannath Dongre, R/o Naya Baradwar, Ward No.02, P.S. Naya Baradwar, Tahsil Sakti, District Janjgir-Champa, Posted as Sweeper.
4. Sukriya, aged about 40 years, W/o Shri Prakash Dongre, R/o Naya Baradwar, Ward No.02, P.S. Naya Baradwar, Tahsil Sakti, District Janjgir Champa, posted as Sweeper.
5. Gopi, aged about 41 years, S/o Shri Bharat Dongre, R/o Naya Baradwar, Ward No.10, P.S. Naya Baradwar, Tahsil Sakti, District Janjgir Champa, posted as Sweeper.

---- Petitioners**Versus**

1. State of Chhattisgarh, through the Principal, Secretary, Department of Urban Administration and Development Mahanadi Bhawan, New Mantralaya Raipur (CG), Pin-492001.
2. Director, Department of Urban Administration and Development Mahanadi Bhawan, New Mantralaya, Raipur (CG) Pin-492001.
3. Joint Director, Department of Urban Administration and Development, Bilaspur (CG).
4. Chief Municipal Officer, Nagar Panchayat Naya Baradwar, District Janjgir-Champa (CG).

---- Respondents

For Petitioners : Shri Krishna Kumar Dewangan, Advocate
 For Respondents : Shri Gary Mukhopadhyay, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****18/10/2016**

(1) Learned counsel for the petitioners submits that identical matter was disposed of by this Court on 26.04.2014 vide Annexure P-9 and therefore similar order may be passed in the present case. It has been argued that since long the petitioners are working with Nagar Panchayat but till date their case for regularization has not been considered.

(2) Learned State counsel submits that as such the petitioners have no right under the law to claim their regularization because their initial appointment was not made after following due procedure of law. He placed his reliance in the matter of **Secretary, State of Karnataka Vs. Uma Devi** reported in **(2006) 4 SCC 1** and submits that the petitioners have no right to claim their regularization.

(3) The present petition is disposed of permitting the petitioners to file fresh representation before respondent No.4 and in turn the respondent No.4 shall decide the representation of the petitioners strictly in accordance with law considering the judgment of the Apex Court in the matter of **Uma Devi** (supra) and some of the orders passed by this Court, within four months from the date of receipt of copy of this order.

(4) It is made clear that this court has observed nothing on merits and it would be for competent authority to decide the representation of th petitioners strictly in accordance with law.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-