

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 5014 of 2016**

- Saraswati Sahu D/o Chamru Ram Sahu, Aged About 48 Years R/o Village- Lakhram, P.S. Ratanpur, District Bilaspur, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- The Secretary, Department Of Women & Child Welfare Development Mantralaya, Mahanadi Bhawan, Naya Raipur, (Chhattisgarh)
2. The Commissioner, Department Of Women & Child Welfare Development, Naya Raipur, (Chhattisgarh)
3. The Collector, Janjgir- Champa, (Chhattisgarh)
4. The District Project Officer, Department Of Women & Child Welfare Development, District Janjgir Champa, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Jeet Patel, Advocate
For Respondents/State	:	Mr. S.P. Kale, Dy. Advocate General on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****22/09/2016**

Heard.

1. The petitioner has prayed for issuance of direction to consider her case for regularization in service. Learned counsel for the petitioner submits that the petitioner was initially appointed as daily wages employee in the year 1990, her services were illegally terminated in the year 1999, by that time, she was worked for more than 9 years, therefore, even though the petitioner is not in service as on today, as she has also worked for more than 9 years, as per circular dated 05.03.2008, she is entitled for regularization. Reliance has been placed in the matter of **Amarkant Rai v. State of Bihar and others, 2015 AIR SCW 3080.**

2. Learned counsel for the State submits that on petitioner's own showing that she had filed appeal before the Tribunal which is transferred to this Court and dismissed, the writ appeal was also dismissed, therefore, the petitioner, who is not in service, is not entitled to any such benefit.
3. It is found that the petitioner was in service on the post of daily wages employee from 1990 to 1999. It is, however, an admitted fact that the petitioner was terminated in December, 1999 and petition against the order of termination was dismissed by this Court which was later on affirmed in appeal also. It means that the petitioner is not in services since 1999. In order to claim regularization, one has to be in service. Since the petitioner is not entitled to claim reinstatement after dismissal of her petition earlier by this Court, claim of regularization also fails.
4. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge