

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4433 of 2017

Pyarelal Shrivastava S/o Late Manulal Shrivastawa, Aged About 50 Years
Working As Daily Wagers On The Post Of Driver In The Office Of Divisional
Forest Officer, Mahasamund, District Mahasamund, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Forest, Ministry
At Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Principal Chief Conservator Of Forest Aranya Bhawan, Medical College
Road, Fafadih, Raipur, District Raipur, Chhattisgarh.
3. Chief Conservator Of Forest, Raipur Circle, Aranya Bhawan Raipur, District
Raipur, Chhattisgarh.
4. Divisional Forest Officer, Mahasamund, District Mahasamund, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. R.K. Jha, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/09/2017

Heard.

1. The petitioner's grievance is that though the petitioner has been working
continuously since 1992 as daily wage employee, his claim for regularization
is not being considered under policy dated 05.03.2008 and now, the
respondents have proceeded to make direct recruitment on the post of driver
and if the vacant posts are filled up, the petitioner may not be considered for
regularization.
2. If the petitioner has continuously worked as daily wage employee since
1982, he is entitled to be considered for regularization as per policy dated

05.03.2008 according to availability of vacancy. If the vacancies are available, daily wage employee is entitled to be considered for regularization and it is only when such eligible employees for regularization are not available or if considered and not found fit, available vacancies could be taken up for direct recruitment.

3. It would be appropriate that before finalization of process of recruitment in any vacancy available against which the petitioner could be considered for regularization as per circular dated 05.03.2008, the petitioner's claim for regularization is to be considered by duly constituted committee as per circular dated 05.03.2008 without further loss of time. A committee for scrutiny as per the provision contained in circular dated 05.03.2008 shall be constituted and shall be convened to consider the petitioner's claim for regularization and final decision will have to be taken within three months from the date of receipt of copy of this order. If as on today, the vacancies are available for regularization, the petitioner's claim shall be duly considered and it should not be frustrated on the ground that the posts are going to be filled up by direct recruitment.
4. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge