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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 197 of 2011**

- Ramu Ram S/o Shri Sunderlal, aged about 39 years, resident of Budhwari Bazar, Bapu Up Nagar, Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, through Secretary, Department of Tribal Welfare, DKS Bhawan, Mantralaya, Raipur, Chhattisgarh
2. Assistant Commissioner, Tribal Welfare Department, Bilaspur, Chhattisgarh
3. Collector, Tribal Welfare Department, Bilaspur, District Bilaspur, Chhattisgarh
4. Jitendra Kumar Manikpuri, Cook, Schedule Caste Post Matric Boys Hostel, Block Bilha, Bilaspur, CG.

---- Respondent

For Petitioner : Shri Ratnesh Kumar Agrawal, Advocate.
For Respondent/State : Miss Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****09/05/2017**

1. The petitioner is claiming regularization on the post of Sweeper on the ground that he is working in the Department since 20.1.1989 and is covered within terms of circular dated 5.3.2008, yet his representation seeking regularization has been rejected.
2. A perusal of the document (Annexure-P/2) would reveal that the

petitioner was allowed payment of Rs.300/- per month as part time sweeper with a condition that he shall work for more than 4 hours in a day. He was sanctioned a pay scale admissible to a daily rated employees by regularizing his pay on 22.7.1998, therefore, his status from part time employee to a daily rated employee was improved with effect from 22.7.98. Under the circular dated 5.3.2008, daily rated employees appointed till 31.12.88 and from 1.1.89 to 31.12.97 were considered for regularization. Since admittedly the petitioner became full time daily rated employee only on 20.7.98, his case would not fall within one of the categories of daily rated employees who are entitled for regularization under the circular.

3. In the considered opinion of this Court, the respondents have not committed any illegality or arbitrariness by not considering the petitioner's case for regularization.
4. Accordingly, the Writ Petition has no substance, the same deserves to be and is hereby dismissed. However, if in future, the State Government issues any fresh circular and the petitioner is covered in any such circular, his claim on the basis of fresh cause of action shall be examined by the State on its own merits.

Sd/-
Judge
(Prashant Kumar Mishra)