

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3059 of 2017

Smt. Kamala Shrivastava W/o Shri Gopal Shrivastava, Aged About 46 Years Working As Daily Wager Peon, Municipal Corporation, Bilaspur R/o Jarhabhata, Mandir Chouk, Bilaspur, Tah. & District Bilaspur Civil And Revenue District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Raipur, Distt. Raipur Chhattisgarh.
2. Director, Department Of Urban Administration And Development, Raipur, Distt. Raipur Chhattisgarh.
3. The Commissioner, Municipal Corporation Bilaspur District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. M.K. Sinha, Advocate.
For State	:	Mr. A.S. Kachhawaha, Additional A.G.
For Corporation	:	Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/07/2017

Heard.

1. By this petition, under Article 226 of the Constitution of India, the petitioner has sought direction to the respondents to consider his case for regularization in accordance with law and in the light of circular dated 12.12.2014.
2. The case of the petitioner is that the petitioner was engaged as a daily wage employee in the Corporation in the year 1997. Thereafter, the petitioner was appointed on 23.03.99 as peon against the sanctioned post on daily wage basis and continued till 17.01.2000, when her services were terminated by oral direction. The petitioner approached the Labour Court. The Labour Court passed an award on 24.12.2003 directing reinstatement of the petitioner with full back wages. The Corporation

challenged the award by filing a Writ Petition No.570 of 2004 which was partly allowed vide order dated 01.03.2012. This Court did not interfere with the award in so far as reinstatement is concerned but the back wages were reduced to half. The order attained finality.

3. Now the petitioner is claiming that she should be considered for regularization.

4. During the course of argument, learned counsel for the petitioner did not press the ground that the petitioner is entitled to regularization on the basis of circular dated 12.12.2014, obviously for the reason that it is applicable in the Tribal Department. He however, submits that the Government had issued a circular on 05.03.2008 for considering the cases of eligible daily wage employee for regularization all over the State and therefore, the petitioner's case ought to have been taken into consideration for regularization under that circular.

5. Learned counsel for the Corporation submits that the petitioner's claim for regularization shall be scrutinized and examined as per the terms and conditions contained in regularization policy dated 05.03.2008 and appropriate decision shall be taken by the Corporation within a reasonable period.

6. In view of the above stand so taken by the respondent, this petition is disposed off with the direction to the respondent Corporation to consider petitioner's claim for regularization in accordance with Government Policy dated 05.03.2008 and the law of the land.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E