

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4534 of 2017

Lakhanlal Yadav S/o Shri Reshamlal Yadav, Aged About 51 Years R/o Village And Post Dhivra, Tehsil Navagarh, Thana Birra, District Janjgir Champa, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Water Resources, Naya Raipur, Mantralaya Raipur, Chhattisgarh.
2. Chief-Engineer, Department Of Water Resources, Raipur, Chhattisgarh.
3. Executive Engineer, Hasdeo Nahar Jal Prabandh, Division Champa, District Janjgir Champa, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri KPS Gandhi, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/09/2017

Heard.

1. Grievance of the petitioner is that though the petitioner is entitled to be considered for regularization under the policy of the State Government dated 5.3.2008 promulgated in compliance of the judgment of the Supreme Court in the matter of **Secretary, State of Karnataka and others Vs. Umadevi (3) and others**, reported in (2006) 4 SCC 1, the case of the petitioner has not been considered till date.
2. In the present writ petition, it has been stated by the petitioner that he was appointed as daily wager on 1.5.1988 and thereafter in the year 1997 he was discontinued from engagement, which was successfully challenged by the petitioner by filing the claim before the Labour Court. The petitioner was reinstated. The order of reinstatement was challenged by the respondents by

filing the writ petition being WPL No.1606 of 2011 before this Court, but the writ petition was also dismissed. In these circumstances, the petitioner is required to be treated as daily wager employee from his first date of appointment w.e.f. 1.5.1988.

3. Learned Government Advocate appearing for the respondents/State submits that only those persons are entitled to be regularized who fulfilled the requirement of condition mentioned in the circular of the State Government dated 5.3.2008.
4. Considering the submission made by learned counsel for the parties, prima-facie, it appears that the petitioner was initially appointed as daily wager in the year 1988, his services were discontinued in the year 1997 and thereafter he was reinstated under the judicial order, in these circumstances, claim of the petitioner cannot be said to be frivolous and requires scrutiny in the light of the circular of the State Government dated 5.3.2008.
5. Accordingly, the present writ petition is disposed off with a direction to the respondents to consider the claim of the petitioner in the light of the circular of the State Government dated 5.3.2008 and judgment of the Supreme Court in the matter of Umadevi (supra) and take a decision on the claim of the petitioner as early as possible preferably within a period of four months from the date of receipt of copy of this order. No order as to cost(s).

Sd/-
(Manindra Mohan Shrivastava)
Judge