

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 247 of 2017**

Manoj Kumar Rajput, son of Shri Uttam Singh Rajput, aged about 50 years, resident of village Jhahaliyapur, Post Bhanapur, Tahsil Mungeli, District Mungeli (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through : The Secretary, Department of Panchayat and Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Chief Executive Engineer, Office of the Rural Mechanical Service Division, Mungeli District Mungeli (CG)

---- Respondents

For Petitioner	:	Mr.K.P.S. Gandhi, Advocate
For Respondents	:	Mr.P.K.Bhaduri, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****17/1/2017**

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.

In the present writ petition, it has been stated by the petitioner that he was appointed as daily wager on 31.10.1985 and thereafter in the year 1991 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 WP No.4927 of 1996 before this Court, but the writ petition was also dismissed. In this circumstances, the petitioner is required to be treated as daily wager employee from his first date of appointment w.e.f. 31.10.1985.

2. 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.

3. 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 1985, his services were discontinued in the year 1991 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.

4. 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

B/-