

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 388 of 2016**

Ravindra Kumar S/o Rajkishore Prasad, aged about 40 years, R/o Baigin Dabhar, Rampur Korba, Qtr. 580A, Thana Rampur, Chowki PO Tehsil and District Korba, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh, Through Secretary, Revenue Department, Secretariat, Mahanadi Bhawan, Naya Mantralay, New Raipur, District Raipur, Chhattisgarh.
2. Collector, Korba, District Korba, Chhattisgarh.
3. Sub Divisional Officer, Korba, District Korba, Chhattisgarh.
4. Tehsildar, Kartala, District Korba, Chhattisgarh.
5. Suresh Kumar Jaiswal S/o Late Shri Sant Lal Jaiswal, Assistant Grade 2, Collectorate, Finance Department, PO & PS & District Korba, Chhattisgarh.
6. Shri B.R.Thakur, Tehsildar, at present posted at Pankhajur, PO & PS Pankhajur, District Kanker, Chhattisgarh.

---- Respondents

For Appellant : Shri Sanjay Patel, Advocate.

For Respondent/State : Shri Arun Sao, Deputy Advocate General

Hon'ble Shri Deepak Gupta, Chief Justice

Hon'ble Shri Sanjay Agrawal, J.

Judgment on Board**Per Deepak Gupta, Chief Justice****11/01/2017**

1. This writ appeal is directed against the judgment dated 04.11.2015 passed by a learned Single Judge of this Court in Writ Petition (S) No. 4916 of 2012.
2. It would be pertinent to mention that earlier, a writ appeal being Writ Appeal No. 663 of 2015 was filed against the judgment dated 04.11.2015 but the same was withdrawn on 09.03.2016 with liberty to file a review petition. Review petition No. 85 of 2016 has also been dismissed on 24.06.2016. Hence, this appeal.
3. The case of the Petitioner is that in the year 1996, on the directions of the then Naib Tahsildar, Shri B.R.Thakur, he started working as Assistant Grade III and has continued to work on that post. Further, vide order dated 7.12.2005, the Collector, Korba further permitted him to work as Assistant Grade III.

4. The Petitioner filed a writ petition in the year 2012 being Writ Petition (S) No. 4916 of 2012 for a direction to the Respondent/State to consider his case with regard to regularization in light of the circular dated 05.03.2008 and to allow him to work as Assistant Grade III. This petition was dismissed by the learned Single Judge vide order dated 04.11.2015. It was held that the services of the petitioner has been discontinued *w.e.f.* October, 2012 onwards and as such as on date, he was not in employment and therefore, the claim for regularisation could not be granted in his favour.

5. The Petitioner had also filed two separate writ petitions being Writ Petition (S) No. 2319 of 2013 and Writ Petition (S) No. 3048 of 2014 claiming arrears of salary as well as regularisation on the post of Assistant Grade III, which have been dismissed vide separate orders dated 04.11.2015. The Petitioner also preferred appeals against the said judgments being Writ Appeal No. 579 of 2016 and Writ Appeal No. 578 of 2016. Both these appeals have also been dismissed by this Court today upholding the orders passed by the learned Single Judge.

6. While dismissing the aforesaid two appeals, this Court has held that the order dated 15.10.1996 stated to have been passed by Tahsildar is a forged order because the Tahsildar's signature on this document is forged. Even the appointment of the Petitioner has been held to be a back-door entry and the judgment of the Apex Court in *Secretary, State of Karnataka & Others v. Uma Devi & Others* {(2006) 4 SCC 1} squarely applies to such cases.

7. For the reasons stated in the judgment dated 11.01.2017, passed in Writ Appeal No. 578 of 2016 and Writ Appeal No. 579 of 2016, we find no merit in this appeal also which is accordingly dismissed.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE

Sd/-

(Sanjay Agrawal)
JUDGE