

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 5043 of 2018

Dilharan Bareth S/o Shri Ranjan Bareth, aged about 46 years, R/o village – Khod, Post Akaltara, Tahsil Akaltara, Police Station Akaltara, District Janjgir-Champa (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Water Resources, Mantralaya, Naya Raipur, Raipur (C.G.).
2. Chief Engineer, Department of Water Resources, Raipur (C.G.).
3. Executive Engineer, Hasdeo Nahar Jal Prabandh Sambhag, Division Janjgir, District Janjgir-Champa (C.G.).

---Respondents

For petitioner	:	Shri Lav Sharma, Advocate.
For State	:	Shri Chandresh Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/08/2018

1. Heard.
2. 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.
3. In the present writ petition, it has been stated by the petitioner that he was appointed as daily wager on 1.1.1989 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.1605 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. 1.1.1989.

4. 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.

5. 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 1989, 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.

6. 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/-
(P. Sam Koshy)
JUDGE