

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5310 of 2018**

Hariram Dubey S/o Late Shri Nanni Dubey Aged About 46 Years R/o
Q. No. A- 1/25, Irrigation Colony Darri, Post Jamnipali, Police Station-
Darri, Tahsil Katghora, District Korba, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Water Resources, Naya Raipur Mantralaya, Raipur, Chhattisgarh.
2. Chief Engineer, Minimata (Hasdev) Bango Project, Department Of Water Resources, Raipur, Chhattisgarh
3. Executive Engineer, Hasdeo Baraj, Water Resources Division- Rampur/Korba, District, Korba, Chhattisgarh.
4. Sub Divisional Officer, Hasdeo Baraj Water Resources, Sub Division No. 1, Pantora, District Janjgir- Champa, Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Lav Sharma, Advocate Mr. K.P.S. Gandhi, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/08/2018**

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 [in the year 1990](#) and thereafter [in the year 1995](#) he was discontinued from engagement, which was successfully challenged by the petitioner by filing the claim before the Labour Court. The petitioner was reinstated. In these circumstances,

the petitioner is required to be treated as daily wager employee from his first date of appointment in the year 1990.

3. Learned Government Advocate appearing for the respondents/State submits that only those persons are entitled to be regularized who fulfilled the requisite conditions 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 1990, his services were discontinued in the year 1995 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/-
(P. Sam Koshy)
Judge