

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5284 of 2018**

Mahdeva S/o Shri Gulam Aged About 51 Years R/o Village -
Bamhanidih, Bazar Road Bus Stand Tahsil Champa Police Station
Champa District Janjgir Champa Chhattisgarh.Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Water ,
Resources , Mantralaya, Naya Raipur , Raipur Chhattisgarh.,
District : Raipur, Chhattisgarh
2. Chief Engineer Minimata (Hasdeo) Bango Project, Department Of
Water Resources , Bilaspur District Bilaspur Chhattisgarh.
3. Executive Engineer, Hasdeo Canal Water Management Division
Janjgir 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 January, 1991 and thereafter on
01.06.1995 he was discontinued from engagement, which was
successfully challenged by the petitioner by filing the claim before the
Labour Court. The petitioner was reinstated. The order of
reinstatement was challenged by the respondents by filing the writ

petition being WPL No. 64/2018 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 in January, 1991.

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 January, 1991, his services were discontinued on 01.06.1995 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