

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5321 of 2018**

Gaukaran Yadav S/o Shri Shewaram Yadav, Aged About 45 Years,
R/o Bandhwapara, Sarkanda, Tahsil- Bilaspur, Police Station-
Sarkanda, District- Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- Secretary, Department Of Water Resources, Mantralaya, Naya Raipur, Raipur, Chhattisgarh
2. Chief Engineer Minimata (Hadeo) Bango Project, Department Of Water Resources, District- Bilaspur, Chhattisgarh
3. Executive Engineer Hasdeo Nahar Jal Prabandh Sambhag, Division- Bilaspur, District- Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Lav Sharma, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20.08.2018**

Heard.

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 June, 1991 and thereafter since 01.03.1997 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. 86 of 2013 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. June, 1991.

3. 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.

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 June 1991, 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.

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**

Bhola