

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 7034 of 2018

Nand Kumar Upadhyay S/o Late Shri Ramsharan Upadhyay, Aged About 58 Years, R/o Village Kapan, Thana - Naila, Tahsil Akaltara, District - Janjgir-Champa, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, New Raipur, District - Raipur, Chhattisgarh.
2. State Of Chhattisgarh, Through The Chief Secretary, Forest Department Mahanadi Bhawan, Mantralaya, New Raipur, District - Raipur, Chhattisgarh.
3. Divisional Forest Officer, North-Jone, Raipur, District - Raipur, Chhattisgarh.
4. Assistant Range Officer, Of Forest Department Dugali, Tahsil Dhamtari, District - Dhamtari, Chhattisgarh.
5. The Collector, Office Of The Collector, Dhamtari, District - Dhamtari, Chhattisgarh.

---Respondents

For petitioner	:	Shri Smita Jha, Advocate.
For State	:	Shri Chandresh Shrivastava, PL.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/10/2018

1. The prayer made by the petitioner in the instant Writ Petition is for issuance of direction to regularize the services of the petitioner.
2. Perusal of record would reveal that, the petitioner is not in employment.
3. The petitioner had worked in the Forest Department between 1989 to 1991 and thereafter he has been discontinued from service.
4. It has been about 27 years that the petitioner is out of employment.

5. The substantive relief of regularization can only be granted to a person who is in employment. A person who is out of employment from about 27 years cannot claim for regularization and if at all if the petitioner was aggrieved off, he should have challenge the order of discontinuance at the proper time.

6. Thus, this Court does not find any strong case made out by the counsel for the petitioner for granting relief which has been sought for.

7. It is made clear that, dismissal of the present Writ Petition would not preclude the petitioner from challenging the order of discontinuance from service under the appropriate provisions of law before the appropriate forum.

8. The Writ Petition accordingly stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit