

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7134 of 2018**

Ramkhilawan Yadav S/o Shri Bhauram Yadav, Aged About 53 Years,
R/o Village Bhadesar, Tahsil Janjgir, Police Station Janjgir, District
Janjgir- Champa, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Water Resources, Mantralaya, Naya Raipur, Raipur Chhattisgarh
2. Chief Engineer, Department Of Water Resources, Raipur Chhattisgarh
3. Executive Engineer, Hasdeo Barage Water Management, District Janjgir- Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Shri K. P. S. Gandhi, Advocate
For State	:	Ms. Sunita Jain, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****29.10.2018**

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 January, 1988 and thereafter, he was discontinued from engagement, which was successfully challenged by the petitioner by filing the claim before the Labour Court. The Labour Court passed an order in favour of the petitioner on 01.05.2010 granting reinstatement and the petitioner has since been reinstated and he is still continuing employment. The order of reinstatement was challenged by the respondents by filing the writ petition being WPS No. 7416 of 2010 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. January, 1988.

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 January, 1988, his services were subsequently discontinued 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 the 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).

6. It is made clear that this Court has not expressed any opinion so far as the entitlement of the petitioner is concerned and the authority concerned would be free to decide the matter purely in accordance with the circular of the State Govt. governing the field.

**Sd/-
P. Sam Koshy
Judge**