

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7970 of 2018

1. Liladhar Ram S/o Shri Gurubaru Ram Aged About 42 Years Working As Post Of Rasoiya At Govt. 50 Seater Tribal Welfare Department Ashram School Maini, Tahsil- Bagicha, District- Jashpur, Chhattisgarh.
2. Safed Ram S/o Shri Chamra Ram Aged About 29 Years Working As Rasoiya At Govt. 50 Seater Tribal Welfare Department Ashram School Pasiya, Tahsil- Bagicha, District- Jashpur, Chhattisgarh.
3. Ramkumar S/o Shri Radhe Ram Aged About 42 Years Working As Chowkidar At Govt. 50 Seater Tribal Welfare Department Ashram School Maini, Tahsil- Bagicha, District- Jashpur, Chhattisgarh.
4. Parmeshwar Ram S/o Shri Ramkumar Aged About 40 Years Working As Rasoiya At Govt. 50 Seater Tribal Welfare Department Ashram School Kurrog, Tahsil- Bagicha, District- Jashpur, Chhattisgarh.
5. Arun Kumar S/o Shri Bhakto Ram Aged About 36 Years Working As Rasoiya At Govt. 50 Seater Tribal Welfare Department Girls Hostel Akamba, Tahsil- Bagicha, District- Jashpur, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Tribal Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Assistant Commissioner Tribal Welfare Department Jashpur, District- Jashpur, Chhattisgarh.
3. The Collector Jashpur, District- Jashpur, Chhattisgarh.
4. Clock Education Officer Bagicha, District- Jashpur, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Mr. Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/12/2018

1. The claim of the petitioners in the present writ petition is for a direction to the respondents to consider their claim for regularization in the light of the circular dated 05.03.2008 passed by the State Government, which in turn was passed in the light of the judgment of the Hon'ble Supreme Court in the case of "***State of Karnataka and Others Vs. Umadevi (3) & Others, 2006(4) SCC 1.***"

2. The counsel for the respondents, so far as deciding the claim of the petitioners is concerned, does not have any objection, however he submits that the petitioners substantively appears to be employees working under the contingency establishment and therefore their service conditions are governed by the Rules governing the services of the contingency employees.
3. Given the said facts and circumstances of the case, this Court does not intend to keep the writ petition pending, rather ends of justice would serve if the petitioners are made to file a fresh representation to the respondent No.2, so far as their claim is concerned, and the respondent No.2 in turn shall consider the claim of the petitioners in accordance with the circulars of the State Government governing the field and would also take note of the length of service, which the petitioners have completed in the department and appropriate order be passed.
4. Let this exercise be done within a period of 3 months from the date of receipt of the copy of this order.
5. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved