

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7986 of 2018

1. Jagannath Ram S/o Shri Larang Sai Aged About 37 Years Working As Post Of Rasoia At Pre Metric Tribal Welfare Department Boys Hostel Jashpur, Tahsil Jashpur, District Jashpur Chhattisgarh.
2. Ku. Maheshwari Bai D/o Shri Renka Ram Aged About 30 Years Working As Post Of Waterman At Tribal Welfare Department Govt. Post Metric Girls Hostel Jashpur, Tahsil Jashpur, District Jashpur Chhattisgarh.
3. Ramesh Ram S/o Shri Bhikhu Ram Aged About 34 Years Working As Rasoia At Govt. Tribal Welfare Department Post Metric Boys Hostel Jashpur, Tahsil Jashpur, District Jashpur Chhattisgarh.
4. Ayodhya Ram S/o Late Shri Parshu Ram Aged About 40 Years Working As Waterman At Govt. Pre Metric Scheduled Cast Boys Hostel Jashpur, Tahsil Jashpur, District Jashpur Chhattisgarh.
5. Smt. Anita Mishra S/o Late Shri Vishnu Prasad Mishra Aged About 48 Years Working As Rasoia At Govt. Pre Metric Tribal Welfare Department Girls Hostel Lodam, Tahsil - Jashpur, District Jashpur, Chhattisgarh.
6. Bolwa Ram S/o Shri Sibal Ram Aged About 48 Years Working As Rasoia At Govt. Tribal Welfare Department Sanyukt Ashram School Jashpur, Tahsil Jashpur, 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 Jashpur, 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 would be passed.
4. Let this exercise be done within a period of 3 months from the date of receipt of the certified copy of this order.
5. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved