

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 445 of 2019**

1. Ishwar Nishad S/o Hariram Nishad, aged about 43 years, R/o Ward No. 12, Puljhariyapara, Sarangarh, District Raigarh, Chhattisgarh
2. Fagu Patel S/o Mekar, aged about 48 years, Daily Wages Employee, Nagar Panchayat, Sarangarh, District Raigarh, Chhattisgarh
3. Sakharam S/o Ramlal, aged about 42 years, Daily Wages Employee, Nagar Panchayat, Sarangarh, District Raigarh, Chhattisgarh
4. Smt. Dutiya W/o Panchram, aged about 50 years, Daily Wages Employee, Nagar Panchayat, Sarangarh, District Raigarh, Chhattisgarh
5. Gangu S/o Rameshwar, aged about 48 years Daily Wages Employee, Nagar Panchayat, Sarangarh, District Raigarh, Chhattisgarh
6. Bhogilal S/o Chedu, aged about 50 years, R/o Mudparbade, Post-Chatipali, Tahsil Sarangarh, District Raigarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through the Principle Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. The Under Secretary, Government Of Chhattisgarh, Department Of Urban Administration And Development, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. Joint Director, Department Of Urban Administration And Development, Bilaspur, District Bilaspur, Chhattisgarh
4. Chief Municipal Officer, Sarangarh, District Raigarh, Chhattisgarh

---- Respondents

For Petitioners	:	Shri Awadh Tripathi, Advocate
For State	:	Ms. Astha Shukla, P.L.

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

23/01/2019

1. The grievance of the petitioners in the instant case is the inaction on the part of the respondents in not regularizing the services of the petitioners though they have put in more than two decades of continuous service under respondent no.4.
2. According to the counsel for the petitioners, the reason to file the writ petition is that similarly placed persons had filed a writ petition before this Court i.e. WPS No. 6612 of 2010 and there is some order passed in their favour for which now the respondents are taking steps for regularization. According to the petitioners, some of the petitioners in the said writ petition are juniors to the present set of petitioners and others are similarly placed, therefore, if the claim for regularization for others are being considered, the respondents should also consider the claim of the present petitioners also for regularization on the ground of parity. Counsel for the petitioners further submits that there are more than 100 sanctioned posts lying vacant under respondent no.4 against which the petitioners could also be accommodated.
3. Given the aforesaid submission made by the petitioners, subject to verification of facts, the respondents are directed to ensure that while steps for regularization are being undertaken, they shall take into

consideration the aspect of seniority in respect of the persons who are working in the Department and only because some persons had earlier filed a writ petition and got an order in their favour would not by itself mean that respondent no.4 can ignore the aspect of seniority for the purpose of regularization. It is expected that the respondents shall consider the case of the present petitioners as well while considering the case of similarly placed persons in the Department.

4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE