

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1078 of 2019

Shyam Sundar Patel, aged about 54 years, son of Daras Ram Patel, occupation Service, Section Writer, Tahsil Office, Bilaigarh, Distt. Baloda Bazar (CG).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Revenue New Mantralaya New Raipur Chhattisgarh.
2. The Collector District Balodabazar District Balodabazar -Bhatapara Chhattisgarh.
3. The Tahsildar Tahsil Balodabazar District Balodabazar Bhatapara Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Dashrath Kushwaha, Advocate
For State	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/02/2019

1. The relief sought for by the petitioner in the present writ petition is for a direction to the respondents to consider the case of the petitioner for regularization.
2. The contention of the petitioner is that he was appointed as a Section Writer by the respondents by an order dated 04.12.1990 and the petitioner still discharges his duties in the same capacity and he has been requesting the respondents to consider regularizing the services of the petitioner since long, but no relief could be obtained, which led to the filing of the present writ petition.
3. According to the petitioner, some of the similarly placed persons for the same relief had approached this Court in WPS No.1959/2014

(Suraj Prasad Soni & Ors. v. State of Chhattisgarh & Anr.). The said writ petition was allowed by this Court on 19.11.2015 directing the respondents to consider the case of the petitioner for regularization as Section Writer. It has been further brought to the notice of this Court that there have been other similar writ petitions, which were also filed in the High Court of Madhya Pradesh, one such petition being WP No. 102/2010, which got disposed of on 08.01.2010, wherein also similarly placed person, working in the State of Madhya Pradesh on seeking similar relief was aggrieved and the petition stood allowed on 08.01.2010. Allowing of the said writ petition was also subjected to challenge before the Division Bench in a writ appeal, which too was dismissed on 15.12.2010.

4. The High Court of Madhya Pradesh had even gone to the extent of directing to the State Government to consider regularizing the services of the petitioner, if not on the post of Section Writer, then atleast on the post of Lower Division Clerk (Assistant Grade-III).
5. The aforesaid factual matrix is not disputed by the State Government either.
6. Given the aforesaid decision rendered by this Court as well as by the High Court of Madhya Pradesh and also the fact that the order passed by the Single Bench of Madhya Pradesh High Court has also been affirmed by the Division Bench in a writ appeal, this Court is of the opinion that the case of the petitioner also can be disposed of in similar terms. Accordingly, the respondents are directed to consider the claim of the petitioner for the post of Section Writer, if not on any other post corresponding to the post of Section Writer, subject to the

availability of the vacancy, at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order.

7. It is further submitted that in case, if the petitioner has still not approached the authorities for the said relief, he would be at liberty to move a fresh representation within a period of 15 days from today and on such representation being filed, the same also would be considered by the authorities concerned, in accordance with the rules and policy governing the field and shall also consider and decide the claim of the petitioner in similar manner, as has been done in the case of the similarly placed person, in whose favour there has already been an order passed by this Court, subject to verification of the facts, so far as the similarity is concerned.
8. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

inder