

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWPS No. 7398 of 2007

1. Munnalal Bobje, S/o Shri Chabiraj Bobje, aged about 42 years, R/o Rest House (PWD), Behind Patthal Gaon, Dist. Jashpur (CG).

----- Petitioner

Versus

1. State Of Chhattisgarh, through Secretary, Department of Public Works, Dau Kalyan Singh Bhawan, Raipur (CG).
2. Engineer-in-Chief, Public Works Department, Raipur (CG).
3. Executive Engineer, Public Works Department, Korba (CG).

----- Respondent

For Petitioner

Shri S.P. Kale, Advocate

For Respondent/State

Shri Rajendra Tripathi, Panel Lawyer

Order On BoardByPrashant Kumar Mishra, J.08/08/2019

1. The petitioner was appointed as Time Keeper on daily wage basis in the Public Works Department (PWD). He was regularised on the said post by an order passed on 14-2-2005 (Annexure – P/5). Petitioner claims that he should have been regularised w.e.f. 5-11-1996 when persons junior to him namely; Rajendra Singh, Laxmi Prasad Patel, Lal Ram Koushik & Arvind Singh were regularised from the said date.

2. Shri S.P. Kale, learned counsel appearing for the petitioner, would refer to the judgment rendered by the Division Bench of this Court in *State of Chhattisgarh & Another v. Suraj Prasad Soni & Others*¹ and other connected matter i.e. *Suraj Prasad Soni & Others v. State of Chhattisgarh & Another*². In the said matter the Division Bench observed thus in paragraph 10 :

10. With regard to the appeal filed by respondents/writ petitioners for retrospective regularization, as mentioned already, this Court fully agrees with the view taken by learned Single judge. We are of the view that the eligible extent of benefit which can be availed by the writ petitioner with regard to regularization has already been extended. No interference is warranted with respect to the said aspect as well. However, we make it clear that regularization shall be with effect from the date on which their juniors has been given the benefit of regularization.

(Emphasis supplied)

3. In the present writ petition, the above named persons, who were junior to the petitioner on the post of Time Keeper, have not been arrayed as respondents.
4. In the return filed by the State/respondents it is mentioned that the petitioner was not regularised along with other persons on 5-11-1996 because he was found unfit for regularisation. State has not provided details as to the reason for the petitioner's being unfit for regularisation nor any document has been filed with the return showing judicious

¹ WA No.178 of 2016 (decided on 13-5-2019)

² WA No.396 of 2015 (-do-)

consideration of the case of the petitioner as on 5-11-1996 along with other similarly placed persons.

5. In absence of private respondents as also in absence of full facts and documents, instead of keeping this petition pending, as it is already 12 years after filing of the writ petition, ends of justice would be served if the respondents objectively decide the petitioner's claim for regularisation from 5-11-1996. The petitioner shall move a representation in this regard within a period of four weeks from today along with copy of this order as well as copy of the judgment rendered by the Division Bench of this Court in ***Suraj Prasad Soni*** (supra). On petitioner's moving such representation the competent authority shall notice the persons who were regularised on 5-11-1996 and shall hear them also while deciding the petitioner's representation. The competent authority shall consider and decide the representation of the petitioner, in accordance with law and on its own merits, within a period of four months from the date of its submission.
6. With the aforesaid observations and directions, the writ petition stand disposed of.

Sd/-

Judge
Prashant Kumar Mishra

Gowri