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HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 141 of 2019

- Yatish Kumar Sharma, S/o Late Ram Sagar Sharma, Aged About 38 Years, R/o Village And Post Sutarra, Police Station Katghora District Korba Chhattisgarh PIN 495454.

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Versus

1. State Of Chhattisgarh Through The Secretary Department Of Forest, DKS Bhawan, Raipur Police Station Civil Lines District Raipur Chhattisgarh, Now At Mahanadi Bhawan Mantralaya, Raipur, District Raipur Chhattisgarh.
2. Conservator Of Forest Bilaspur Circle, Police Station Civil Lines, Bilaspur Chhattisgarh.
3. Divisional Forest Officer Katghora Division Katghora Police Station Katghora District Korba Chhattisgarh.
4. Ram Kumar Tiwari S/o Shri Janak Tiwari Aged About 45 Years R/o Village Sankari Police Station Chakarbhata Bilaspur Chhattisgarh.
5. Chandrakant Mishra S/o Shri Dadan Mishra, aged about 44 years, R/o Besides Punjab National Bank Chaoubey Bhawan, Main Road Katghora Police Station Katghora District Korba Chhattisgarh .PIN 495454
6. Mathura Prasad Chauhan S/o Shri Sant Ram Aged About 47 Years R/o Village Dhelwadih Police Station Katghora, District Korba Chhattisgarh PIN 495454
7. Mahendra Kumar Dubey S/o Shri Harihar Prasad Dubey

Aged About 37 Years R/o Azad Nagar Katghora Police Station Katghora District Korba Chhattisgarh. PIN 495454

8. Pawan Kumar Yadav S/o Budharam Aged About 34 Years R/o Azad Nagar Katghora Police Station Katghora District Korba Chhattisgarh PIN 495454
9. Kamlesh Sharma S/o Shri Jwala Prasad Sharma Aged About 40 Years R/o Sanjay Nagar Ward No. 2, katghora Police Statiion Katghora District Korba Chhattisgarh PIN 495454
10. Bhanu Pratap Singh S/o Late Rama Singh Aged About 37 Years R/o Forest Colony, Pali Police Station District Korba Chhattisgarh PIN 495454.

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WA No. 222 of 2019

1. Mathura Prasad Chauhan S/o Shri Sant Ram Aged About 52 Years R/o Village Dhelwadih, Police Station Katghora, District Korba Chhattisgarh PIN 495454.
2. Mahendra Kumar Dubey S/o Shri Harihar Prasad Dubey Aged About 39 Years R/o Azad Nagar, Katghora, Police Station Katghora District Korba Chhattisgarh PIN 495454.
3. Pawan Kumar Yadav S/o Budhram Aged About 49 Years R/o Azad Nagar, Katghora Police Station Katghora, District Korba Chhattisgarh PIN 495454.
4. Kamlesh Sharma S/o Shri Jwala Prasad Sharma Aged About 45 Years R/o Sanjay Nagar Ward No. 2, Katghora Police Station Katghora, District Korba Chhattisgarh PIN 495454.

5. Bhanu Pratap Singh S/o Late Rama Singh Aged About 42 Years Occupation Computer Operator , Under CCF Wild Life as Daily Wages Employee Bilaspur, District Bilaspur Chhattisgarh.

---- Appellants

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Forest, DKS Bhawan Raipur Police Station Civil Lines District Raipur Chhattisgarh, Now At Mahanadi Bhawan, Mantralaya Raipur, District Raipur Chhattisgarh.
2. Conservation Of Forest Bilapur Circle Police Station Civil Lines, Bilaspur.
3. Divisional Forest Officer Katghora Division Katghora Police Station Katghora District Korba Chhattisgarh.
4. Yatish Kumar Sharma S/o Late Ram Sagar Sharma Aged About 44 Years R/o Village And Post Sutarra, Police Station Katghora District Korba Chhattisgarh PIN 495454.
5. Ram Kumar Tiwari S/o Shri Janak Tiwari Aged About 50 Years R/o Village Sankari Police Station Chakarbhata Bilaspur Chhattisgarh.
6. Chandrakant Mishra S/o Shri Dadan Mishra Aged About 49 Years R/o Besides Punjab National Bank Chaoubey Bhawan, Main Road Katghora, Police Station Katghora District Korba Chhattisgarh PIN 495454.

---- Respondents

For Appellants :- Shri K.N. Nande, Advocate.
For Respondent-State :- Shri Gagan Tiwari Dy, G.A. and
Shri Faiz Kazi, PL with Shri D.D.
Sant, DFO present in the Court.

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ

Hon'ble Shri Parth Prateem Sahu,J.
Judgment On Board

By

Prashant Kumar Mishra, Ag. CJ

03/05/2019

1. The first Writ Appeal No. 141 of 2019 has been preferred by Yatish Kumar Sharma, whereas the second Writ Appeal bearing No. 222 of 2019 has been preferred by Mathura Prasad Chauhan and others namely Mahendra Kumar Dubey, Pawan Kumar Yadav, Kamlesh Sharma and Bhanu Pratap Singh. The appellants would call in question the order passed by Learned Single Judge whereby their prayer for a direction to the respondents to consider their cases for regularization on the basis of State Government's circular dated 03.05.2008, has been rejected.
2. The committee which earlier considered the appellants' case found them not entitled for regularization on the ground that appellants are the employees of District Union, Katghora, a co-operative society and not under any establishment under

the State Government.

3. In course of hearing of these Writ appeals, appellants produced documents to demonstrate that several other daily wagers working with the District Union, Katghora have been regularized. The appellants' counsel has argued that elsewhere in the State also, employees working in the District Unions have been regularized and only the appellants have been singled out for hostile treatment, which is arbitrary and unreasonable.
4. On the basis of above statement of the appellants', we have directed the respondents to collect information as to whether some other employees who were engaged in the District Union, Katghora or in other districts have been considered for regularization by giving benefit of circular dated 05.03.2008. Thereafter, it was further directed that the Secretary, Department of Forest shall file an affidavit in response to the above mentioned document filed by the appellants.
5. The above direction was made by us for the reason that if hundreds of daily wagers working in the District Union have been regularized under the circular dated 05.03.2008 without they being entitled for the same, it would amount to an illegality of scam proportion which may require deeper investigation and further action.

6. Today Shri Gagan Tiwari, Dy. G.A. and Shri Faiz Kazi, PL duly assisted by Shri D.D. Sant, DFO, Katghora would submit on the basis of an affidavit and documents filed along with an application dated 03.05.2019 that a committee has been constituted to examine the issue which includes consideration of appellant Yatish Kumar Sharma's case for regularization in terms of the circular dated 03.05.2008. The documents filed with the affidavit mentions the name of Yatish Kumar Sharma and not the other appellants, therefore, it is directed that along with the case of Yatish Kumar Sharma, cases of other appellants shall also be considered by the committee.
7. Since, the State Government has itself decided to consider the cases of the appellants by applying the circular dated 05.03.2008, to consider whether the appellants are entitled to regularization or not, we dispose of the Writ Appeals with further direction that the exercise shall be completed by the committee within a period of two months from 25.05.2019.
8. Accordingly, both the Writ Appeals are disposed of.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge