

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3079 of 2019**

Shivshankar Ram Tirkey S/o Late Tussuram Tirkey Aged About 48 Years
R/o Ward No. 29 Police Line Road, Front Of Home Guard Office, Bouripara
Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur),
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, General Administration
Department, Mantralaya, Mahanadi Bhawan, Raipur District Raipur
Chhattisgarh., District : Raipur, Chhattisgarh
2. The Collector Surguja, Ambikapur, District Surguja Chhattisgarh., District :
Surguja (Ambikapur), Chhattisgarh
3. The Tehsildar Ambikapur District Surguja Chhattisgarh., District : Surguja
(Ambikapur), Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Nishikant Sinha, Advocate
For State	:	Mr. P. Acharya, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/04/2019**

1. The challenge in the present writ petition is to the impugned order Annexure P-1 dated 02/03/2019. It is a case where the claim for regularization of the petitioner was rejected on the ground that at the time of initial engagement of the petitioner, he did not have a valid licence from the Regional Transport Authority.
2. Counsel appearing for the petitioner submits that from the plain reading of the impugned order Annexure P-1 dated 02/03/2013 it stands established that petitioner has been working with the department since 01/01/1989 and subsequently was also engaged by

the respondent as Vehicle Driver on which the post, petitioner still working as daily wage employee. The claim of the petitioner stood rejected only on the ground that the alleged driving licence which the petitioner has produced was one which has been issued on 23/08/2011 as such since the petitioner at the time of his engagement did not have valid licence, he cannot be considered for regularization though he has put in more than 10 years of service.

3. At this juncture the counsel for the petitioner referred to Annexure P-4 which is the photocopy of the driving licence in favour of the petitioner which is said to be a duplicate licence showing that the petitioner in fact had a licence issued way back on 04/10/1988 but since the said licence was lost by the petitioner except for the photocopy that he had, he did not present before the department. According to the petitioner it is not that he has obtained licence for the first time in 2011 but he had a valid licence right from 1988 onwards.
4. Given the said facts and circumstance of the case, particularly, the fact that the petitioner has now brought a document showing that he had a licence issued in his favour in the year 1988, this Court is of the opinion considering the fact that the petitioner has been working as daily wage employee with the department from 01/01/1989 onwards, the authorities may reconsider the case of the petitioner for regularization taking into consideration the old licence that the petitioner has now produced before this Court which perhaps could not be produced before the authorities before issuance of the impugned order dated 02/03/2019.

5. Let the Collector- Surguja, respondent No. 2 reconsider the claim of the petitioner in the light of the aforesaid observations by this court and on due verification of the documents and copy of the duplicate licence which the petitioner has brought which is said to have been issued on 04/10/1988 thereafter pass a fresh order, taking into consideration the guidelines framed by the State Government vide circular dated 05/03/2008 and the subsequent circulars issued by the State Government dealing with the regularization. Let this exercise be done within a period of four months from the date of receipt of copy of this order

Sd/-
(P. Sam Koshy)
Judge

Rohit