

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.4653 OF 2019**

Kishore Kumar Sahu S/o Abhay Ram Sahu Aged About 34 Years R/o Main Road, Tulsipur, Ward No. 16, Rajnandgaon, District Rajnandgaon Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, District Raipur Chhattisgarh.
2. Chief Conservator of Forest, Durg, Circle Durg, District Durg Chhattisgarh.
3. District Forest Officer, Rajnandgaon, District Rajnandgaon Chhattisgarh.
4. Forest Range Officer (General) Range Ambagarh Chowki, District Rajnandgaon Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Ashok Patil, Advocate.
For Respondent-State	:	Shri Rahul Mishra, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27.06.2019

1. Challenge in this petition is to the order dated 22.05.2019. Vide the said order, the respondents have issued a notice of discontinuance to the petitioner intimating him that his services would stand discontinued w.e.f. 01.07.2019 onwards.
2. The contention of the petitioner is that, he has been working with the respondents for a period of about 8 years as such the respondents ought to have considered regularizing the services of the petitioner, instead they have discontinued his services without there being sufficient cogent reasons for the same. According to the petitioner, except for the one month notice before discontinuance, the respondents have not paid any retrenchment compensation, nor have they taken into account the principle of 'Last Came First Go' while

issuing the impugned notice. Therefore, the impugned notice is bad in law.

3. All said and done, what cannot be lost sight of is the fact that the petitioner indisputably has been engaged as daily wage employee. It is settled position of law that a daily wage employee does not have any indefeasible right in his favour. Daily wage employee is engaged subject to availability of work. Another aspect which needs consideration is that the petitioner was never engaged after following a due process of law under the service regulations governing the respondent-establishment. Therefore since the petitioner has not been appointed as per the recruitment rules governing the filed, the appointment cannot be brought within the ambit of a regular/irregular appointment.
4. Considering the entire facts and circumstances of the case, this court would not be in a position to interfere with the notice of the discontinuance issued by the respondents at this juncture.
5. Needless to mention that rejection of this petition would not come in the way of the petitioner in either approaching the authorities for ventilating his grievances and also for seeking reemployment with the respondents subject to availability of work. The right of the petitioner is also reserved to challenge the same before the authorities under the Labour Laws.
6. The writ petition accordingly fails and is rejected.

Sd/-
(P. Sam Koshy)
Judge