

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7884 of 2018**

Asharam S/o Shri Nohar Singh, Aged About 41 Years, R/o Village Peretola, Post - Bamhani - Charbhata, Tahsil - Chhuriya, District Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. Principle Chief Conservator Of Forest, Head Quarter Jail Road Raipur, Chhattisgarh
3. Chief Conservator Of Forest Durg, Circle Durg, District Durg Chhattisgarh
4. Divisional Forest Officer Rajnandgaon, District Rajnandgaon Chhattisgarh
5. Sub Divisional Forest Officer, Sub Forest Division Rajnandgaon / Chairman Scrutiny Committee Rajnandgaon, District Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner	:	Mr. F. S. Khare, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****23.08.2019**

1. The challenge in the present writ petition is to the order dated

05.10.2018 whereby the claim for regularization of the petitioner has been rejected.

2. Counsel for the petitioner submits that he has produced before the authority concerned sufficient documentary proof to show that he was engaged as a daily wage employee prior to 31.12.1997 and that he has been in continuous employment under the respondents by which he would be entitled for the benefit of the circular dated 05.03.2008. He further submits that the circular dated 05.03.2008 has further been diluted by the State Govt. themselves vide their circular dated 17.06.2008 wherein the requirement for regularization is only any sort of engagement prior to 31.12.1997 with 10 years of service.
3. Admittedly, from reading of the impugned order it appears that the respondents have considered only the circular dated 05.03.2008 and they have not looked into the circular dated 17.06.2008 while dealing with the case of the petitioner. Moreover, the petitioner has produced before this Court Annexure P-2 i.e. copies of the muster roll of the year 1997-98 to establish that he was engaged by the Department at one point of time. These documents were also to be verified by the authorities concerned which do not reflect from the impugned order of having been scrutinized or verified.
4. Given the said facts, this Court is of the opinion that the case of the petitioner does need reconsideration so far as his claim for regularization is concerned.
5. Accordingly, the writ petition stands allowed and the impugned order Annexure P-1 stands set aside. The matter stands remitted back to

the authority concerned for fresh consideration of the case of the petitioner for regularization in terms of the circular dated 05.03.2008 and the subsequent circular dated 17.06.2008. While considering the same, the authority concerned is also expected to scrutinize and verify the documents which the petitioner has produced so far as the copies of the muster roll etc. are concerned. Let a fresh decision be taken by the authority concerned within a period of 4 months from the date of receipt of copy of this order.

**Sd/-
P. Sam Koshy
Judge**