

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 90 of 2019

Chouthmal Sinha S/o Brijlal Sinha Aged About 44 Years Working On The Post Of Peon (Daily Wages) Govt. Higher Secondary School Budeli Block-Narhrpur, District- Baster Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Mahanadi Bhawan New Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Secretary Department Of Tribal Development Mahanadi Bhawan New Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Assistant Commissioner Tribal Development Kanker District- North Bastar, Kanker, Chhattisgarh., District : Kanker, Chhattisgarh
4. The District Education Officer North Bastar Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

---- **Respondents**

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| For petitioner | : | Shri A. N. Pandey, Advocate. |
| For State      | : | Ms. Sunita Jain, GA          |

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Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/01/2019

1. Present is a second round of litigation. The grievance of the petitioner is that after considerable long period of absence on account of illness, the petitioner is not being given joining by the respondents. On the first occasion the petitioner filed writ petition that is WPS No. 6685/2018. The said writ petition were disposed off on 08/10/2018 directing the authorities concerned to take decision in respect of the claim of the petitioner. The respondents have subsequently vide impugned order Annexure P-1 dated 26/10/2018 rejected the claim of the petitioner.
2. Perusal of the impugned document would show that the rejection of the claim of the petitioner was on account of fact that the substantive post which the petitioner holding was itself on daily wage basis.
3. It is settled position of law that the daily wage employee does not have any indefeasible right attached to the nature of work that he was working or nor can

daily wage employee claim the benefits which otherwise is given to a regular government employee.

4. Given the aforesaid circumstances and taking note of the substantive post of the petitioner this Court does not find any case made out by the petitioner. The writ petition accordingly stand dismissed.

Sd/-

(P. Sam Koshy)  
JUDGE

Rohit