

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 5053 of 2014**

1. Jagram, S/o Shri Baliram Gond, Aged About 52 Years, R/o Village Saraitola, Post Gattasilli, Tahsil And Police Station Nagri, Distt. Dhamtari, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources Mantralaya, Mahanadi Bhawan, Naya Raipur Civil And Revenue Distt. Raipur, Chhattisgarh
2. The Chief Engineering, Mahanadi Godawari Kachhar, Water Resources Department, Raipur, District : Raipur, Chhattisgarh
3. The Executive Engineer, Water Resources Division, Dhamtari, District : Dhamtari, Chhattisgarh

**---- Respondents**

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| For Petitioner | : | Mr. D. N. Prajapati, Advocate |
| For State      | : | Mr. Rahul Jha, Govt. Advocate |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**01.12.2020**

1. The grievance of the petitioner in the present writ petition is to the inaction on the part of the respondents in not finding the case of the petitioner fit for being regularized in service.
2. The contention of the counsel for the petitioner is that the petitioner was initially engaged as a Daily Wage Employee in 1980 and since then, the petitioner has been continuously working with the respondents. That even as on date, the petitioner is discharging his duties under the respondents as a Daily Wage Employee.

3. Per contra, the counsel for the respondents submits that from the reply, it has been found that the stand of the State was that when the case of the petitioner was scrutinised, it was reflected that the petitioner between 10 year's period stretching from 10.04.1980 to 14.06.1990 had in fact worked only for 223 days. Therefore, the claim of the petitioner was rejected.
4. On a query being put to the learned State counsel, as to whether beyond 14.06.1990 the petitioner has worked or not? The contention of the State counsel is that the reply is silent on this aspect and it needs to be verified. The State counsel was also not able to reply the query from the available pleadings, as to whether the petitioner was in employment prior to 31.12.1997 or not.
5. The counsel for the petitioner on the contrary referred to various documents enclosed along with the writ petition to show that the petitioner has been working for the respondents. In addition, he also submits that the petitioner has also sought for the supply of the documents by which it could be established that the petitioner was in continuous employment with the respondents but his application under the RTI has not been allowed by the respondents which is yet to be decided by the department itself.
6. Be that as it may, since there is already a policy decision of the State Government dated 05.03.2008 dealing with regularization of Daily Wage Employees, this Court is of the opinion that a serious consideration is required to be done in the case of the petitioner ascertaining whether he has worked as a Daily Wage Employee during the period prior to 31.12.1997 continuously till date or not and

if he has worked continuously for that period, is he entitled for regularization in accordance with circular dated 05.03.2008.

7. The writ petition, therefore, stands disposed off directing the respondents to scrutinize the claim of the petitioner for regularization in terms of circular dated 05.03.2008 dealing with the regularization. The respondents are also expected to call upon the petitioner to produce the relevant records available with him to prove his continuous employment with the respondents, which shall be duly considered by the concerned authorities. Subject to the aforesaid verification to be conducted by the State authorities, the respondent authorities are expected to take a decision; so far as the claim of the petitioner for regularization is concerned, preferably within a period of three months date of receipt of copy of this Order.
8. With the aforesaid direction, the present writ petition stands disposed off.

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