

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 807 of 2011**

Ram Narayan S/o. Jai Sadar Ram, Aged about 51 years, R/o. Village Bharuamuda, Post Devnagar, Police Station and Tehsil Surajpur, District Surguja Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, through: Secretary, Town Administration & Development Department, D.K.S. Bhawan, Raipur, District Raipur, Chhattisgarh
2. Commissioner, Town Administration & Development, Raipur, Chhattisgarh
3. Municipality Surajpur, Thorough: the Chief Municipal Officer, Surajpur, District Surguja, Chhattisgarh
4. Chief Municipal Officer, Municipality, Surajpur, District Surguja Chhattisgarh

---- Respondents

For Petitioner	:	None
For Resp. No.1 & 2/State	:	Ms. Sunita Jain, G.A.
For Respondent No.3 & 4	:	Mr. Basant Kaiwartya, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/06/2020**

1. The main reliefs sought for in the present writ petition are as under:

10.1 This Hon'ble Court may kindly be pleased to issue an appropriate writ/direction/order commanding the respondents to regularize the petitioner.

10.2 This Hon'ble Court may further be pleased to direct the respondents to call the entire records, if required.

2. Perusal of the record would show that at the time of filing of the writ petition itself, the petitioner was around 51-52 years of age and by efflux of time now the petitioner must have either crossed the age of superannuation or must be on the verge of crossing the said age. The claim by the petitioner is for regularization. The claim for regularization and the scope of interference by the writ Court has been elaborately

dealt by the Hon'ble Supreme Court in the case of “***State of Karnataka and Others Vs. Umadevi (3) & Others, 2006(4) SCC 1*** and many subsequent judgments reiterating the same principle.

3. In the instant case undoubtedly the petitioner was appointed as a daily wage employee. The establishment where the petitioner has been engaged as a daily wage employee has their own service condition and the Service Rules & Regulations in respect of recruitment and other service related conditions. The petitioner at the time of his engagement was not subjected to any of the procedures so laid down in the service Rules or Regulations governing in the Department. Thus, it can safely be concluded that the petitioner has not been engaged in consonance to the scheme of recruitment which is applicable in the Department.
4. In view of the aforesaid facts and circumstances of the case, this Court finds it difficult for granting any direction to the respondents, so far as regularizing the services of the petitioner is concerned. However on the sympathetic front taking into consideration the duration of the service rendered by the petitioner with the respondents and taking into consideration the circular of the State Government dated 05.03.2008, this Court intends to dispose of the writ petition permitting the petitioner to approach the respondents for considering his claim in accordance with the circular dated 05.03.2008 by making a suitable representation. The respondents in turn shall ensure that if the petitioner is in service they shall consider the claim of the petitioner for regularization in accordance with the aforesaid circular dated 05.03.2008 and the decision shall be taken before the petitioner crosses the age of superannuation, if he has not crossed the same till now.

5. With the aforesaid observations, the present writ petition stands disposed of.
6. The Registry is directed to send a copy of this order to the petitioner and also to his counsel for a prompt action on their part.

Sd/-
(P. Sam Koshy)
Judge

Ved