

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 806 of 2011**

Jainandan Ram S/o. Jugeshwar Ram, Aged about 56 years, R/o. Village Karoundi, Post Salka (Tuthi), Police Station and Tehsil Udaipur, 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. The perusal of the record would show that the petitioner at the time of filing of writ petition itself was more than 56 years of age. This by itself means that by efflux of time the petitioner must have crossed the age of superannuation.
3. In the given facts, now the reliefs sought for by the petitioner cannot be granted as there cannot be an order of regularization after the

petitioner having crossed the age of superannuation unless the Department has already regularized the services of the petitioner before his retirement.

4. Moreover, from the reply that the State Government has filed, it clearly reflects that the State Government has taken a stand that in the light of the landmark judgment of the Hon'ble Supreme Court in the case of “***State of Karnataka and Others Vs. Umadevi (3) & Others, 2006(4) SCC 1***”, the petitioner does not have an indefeasible right to claim regularization. It is further reflected from the record that the initial engagement of the petitioner was as a daily wage employee, on which status he was continuing in service. Therefore the reliefs sought for regularization cannot be granted, particularly when the respondent No.3 under whom the petitioner was working is an establishment, which has its own Service Rules & Regulations including the mode of recruitment specifically prescribed. That the appointment of the petitioner being not in accordance with the Service Rules and the Regulations governing the field, the petitioner would not be entitled for any relief.
5. In view of the same, the writ petition fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved