

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2931 of 2020**

- Ajay Kumar Tiwari S/o Late Ayodhya Prasad Tiwari Aged About 37 Years Working As Security Guard At Khudiya Rang, Bhutkachhar Circle, District Mungeli Chhattisgarh, R/o Village And Post Office Khudiya, Tahsil Lormi, District Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh ---- **Petitioner**

Versus

1. State of Chhattisgarh Through Its Secretary, Department Of Forest , Mantralaya, Mahanadi Bhawan , Atal Nagar, Nava Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Secretary General Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar , Nava Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. The Divisional Forest Officer (Territorial) Bilaspur Division At/p.O./p.S./tahsil And District Bilaspur , Chhattisgarh., District : Bilaspur, Chhattisgarh
4. The Forest Range Officer Khudiya, At And P.O. Khudiya, Tahsil Lormi, District Mungeli, Chhattisgarh. ---- **Respondents**

For Petitioner : Mr. Vinod Deshmukh, Advocate
 For State : Ms. Richa Shukla, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order****04-08-2020**

1. The case of the petitioner is that father of the petitioner namely Ayodhya Prasad Tiwari who was working as Daily Wager in

Khudiya Range, died in harness on 4-5-1999. Thereafter, the petitioner was appointed on compassionate ground in the month of June 1999. Subsequently, his services were dispensed with. However, on a representation having been filed, the petitioner was reinstated in service vide order dated 1-11-2008. Subsequently, his services were disengaged which is the subject matter of challenge and after litigation, the petitioner was reinstated in service by order dated 1-3-2019. Further, the case of the petitioner is that he has completed more than ten years of service, therefore, he is entitled to be regularized. He would further submit that representations dated 20-8-2018 (Annexure P/9) & 27-5-2010 (Annexure P/10) have already been filed for regularization of services of the petitioner before the respondents authority and the same remained undecided. He would further submit that the case of the petitioner may be considered for regularization.

2. Considering the prayer made by the petitioner for regularization of his services, at this stage, taking into consideration the earlier litigation, the petitioner after disengaged, was reinstated and initially the appointment was on compassionate ground, the petitioner is at liberty to make a fresh representation within a period of one month to respondent No.3 – The Divisional Forest Officer (Territorial) Bilaspur Division. On such representation having been filed by

the petitioner, the same shall be adjudicated by respondent No.3 after seeking instructions from respondent No.1/Secretary,Department of Forest, Raipur. The entire exercise be carried out within a period of four months from the date of receipt of a copy of this order. While considering and deciding the representation of the petitioner, the respondents authority shall take into notice the circular dated 5-3-2008 as also the judgment of the Hon'ble Supreme Court in the case of **Narendra Kumar Tiwari & others vs. State of Jharkhand and others, reported in 2018 (8) SCC 238.**

3. With the above direction/observation, this writ petition is allowed.

Sd/-

(Goutam Bhaduri)
Judge

Raju