

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3479 of 2020**

- Kailash Kumar Nirmalkar S/o Natthuram Nirmalkar Aged About 38 Years R/o Village Lokhandi , Post Mangala , Bilaspur , District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Public Works Department, Mantralaya , Mahanadi Bhawan, Atal Nagar, Nava Raipur , District Raipur Chhattisgarh.
2. Engineer In Chief Public Works Department , Nirman Bhawan , Atal Nagar, Nava Raipur, District Raipur Chhattisgarh.
3. Chief Engineer Public Works Department , Bilaspur , District Bilaspur Chhattisgarh.
4. Executive Engineer Public Works Department , Division No. 01, Bilaspur District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner : Mr. S.P. Kale, Advocate
 For State : Ms. Akansha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****01-09-2020**

1. The relief sought for by the Petitioner in the present writ petition is for an appropriate direction to the Respondents to consider the case of the Petitioner for regularization.
2. According to the Petitioner, he has been working with the Respondents as a daily wage employee since 2000 onwards, as

such he has put in about more than 20 years of service as a daily wage employee.

3. According to the Petitioner, in view of the circular dated 5.3.2008 and the subsequent circulars issued in respect of regularization, the Respondents ought to have considered the claim of the Petitioner also for regularization, but till date the Petitioner's claim has not been finalized or considered by the department. The Petitioner further submits that there are also sanctioned vacant posts available with the department against which the Petitioner could have been regularized.
4. Given the aforesaid factual matrix of the case, this Court is of the opinion that no fruitful purpose would be served in keeping the petition pending, rather ends of justice would meet if the writ petition itself is disposed of with a direction to Respondents No. 2 & 3 to take a decision so far as the regularization of the Petitioner is concerned at the earliest and thereafter an appropriate order be passed in this regard.
5. On the other hand, learned State counsel would submit that the case of Narendra Kumar Tiwari & others vs. State of Jharkhand & others, reported in (2018) 8 SCC 238 would not be applicable to the facts of the present case.
6. Considering the rival submissions made by the parties, it is directed that the petitioner's claim would be decided in the light of circular of the State Government dated 5-3-2008 and subsequent circulars issued in this regard. Further, the State shall be at liberty

consider as to whether the case of Narendra Kumar Tiwari & others (supra) would be applicable or not in the facts of the present case.

7. Let an appropriate decision be taken by the respondents at the earliest, preferably within a period of four months from the date of receipt of a copy of this order.
8. With the aforesaid observation/direction, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Raju