

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3710 of 2020

Chhatrapal Singh Marko S/o Shri Kunwar Singh Aged About 50 Years
Working As Security Guard (Officer Helper) At Forest Range Surhi,
Achanakmar Tiger Reserve, District Mungeli Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Forest Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
3. Chief Conservator Of Forest And Regional Director, Achanakmar Tiger Reserve Koni, District Bilaspur Chhattisgarh.
4. Deputy Director, Achanakmar Tiger Reserve Lormi, District Mungeli Chhattisgarh.
5. Divisional Forest Officer, Office Of Forest Divisional Officer, Mungeli Chhattisgarh.

---- Respondents

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

Hon'ble Shri Justice Goutam Bhaduri

ORDER

21.09.2020

Heard

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 August/September 2008 and his service was discontinued in November 2013, as such earlier he has put in about more than 6 years of service as a daily wage employee. Thereafter, by

the award of the Labour Court dated 20.01.2017 and pursuant to letter dated 22.05.2017, the petitioner joined his duty on 27.05.2017.

3. According to the Petitioner, in view of the circular dated 05.03.2008 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 directing the Respondents No. 1 & 4 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 to 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**

Aks