

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4630 of 2014

Smt.Savita Dubey D/o Chandrika Prasad Tiwari Aged About 38 Years R/o Ganga Nagar Colony Sector II Mangla In Front Of Shiva Mandir Bilaspur C.G.

---Petitioner(s)

Versus

1. The Municipal Corporation Through Commissioner Bilaspur 495001, Chhattisgarh.
2. Deepak Bhale Rao Assistant Grade III, Municipal Corporation Bilaspur-495001.

---Respondents

For Petitioner	:	Shri KR Nair, Advocate.
For Respondent No.1	:	Shri AS Kachhwaha, Advocate.
For Respondent No.2	:	None.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.12.2020

1. The grievance of the petitioner in the present writ petition firstly was for considering the case of the petitioner for regularization at par with the order of regularization issued in favour of the respondent No.2, a person, who is much junior to the petitioner on being engaged as daily wage employee.
2. Today when the matter is taken up for hearing, the counsel for the petitioner submits that the petitioner has been regularized vide order dated 10.10.2019, however the grievance of the petitioner now is granting of regularization from the date her junior has been granted which is yet to be decided by the authorities.
3. At this juncture, it would be relevant to take note of the decision of the Supreme Court in case of Jivanlal Vs. Pravin Krishna, Principal Secretary & Others, 2016(15)SCC 747 wherein in paragraphs 1 to 3 the Supreme Court has held as under:

- “1. The appellants have prayed for regularization of their services with effect from the date they completed 10 years of service. Main reliance is placed on the orders passed by the respondents in the case of similarly situated persons.
2. The learned counsel for the respondents has vehemently contended that all the regularization orders passed in the case of those pointed out by the appellants are illegal since the State, in principle, had decided to discontinue the appointment to the post of Sweepers by order dated 10.12.1997. However, the fact remains that after the said order also, many similarly situated persons have been granted regularization with effect from the date of completion of 10 years of service.
3. In that view of the matter, we do not find any justification in discriminating the appellants herein. The policy had been violated in many cases. There cannot be any pick and choose policy; it would certainly lead to corruption. Hence, the appeals are allowed with a direction to the respondents to grant similar treatment to the appellants herein as well and grant regularization to them with effect from the date of completion of 10 years of service.”
4. Given the aforesaid decision of the Supreme Court and the proposition propounded therein, the present writ petition also deserves to be and is disposed of with a direction to the respondents to consider the claim of the petitioner for being regularized in service from the date her junior i.e. respondent No.2 was regularized in service. Let a decision be taken in this regard by the respondents within a period of 90 days from the date of receipt of copy of this order.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge