

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 988 of 2019**

- Yatish Kumar Sharma S/o Late Ram Sagar Sharma Aged About 44 Years R/o Village And Post Sutarra, Tehsil Katghora, District Korba Chhattisgarh.

---- Applicant

Versus

- Mr. D.D. Sant Divisional Forest Officer And Managing Director Katghora, Dn. Katghora, District Korba Chhattisgarh.

---- Respondent

For Applicant	:	Mr. K.N. Nande, Advocate
For Respondent	:	Mr. Syed Majid Ali, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Parth Prateem Sahu
Order On Board

By**Prashant Kumar Mishra, J.****13/03/2020**

1. Applicant, a daily wager working in the Jila Vanopaj Sahkari Union Maryadit, Katghora, is claiming entitlement for regularization.
2. Applicant and other like candidates preferred WPS No.4095/2012 which was disposed of by learned Single

Judge of this Court on 19.09.2012 directing the respondent to take appropriate decision with regard to regularization of the applicant immediately after receipt of Police verification.

3. Pursuant thereto, a committee constituted by the respondent rejected the applicant's claim which was again assailed in WPS No.4892/2012. The said petition was dismissed relegating the applicant to approach the Labour Court against which the WA No.141/2019 was preferred which was decided by us on 03.05.2019.
4. In WA No.141/2019, respondent defended the State's action of denying consideration under the circular dated 05.03.2008 on the ground that applicant is an employee of Jila Vanopaj Sahkari Union Maryadit, therefore, he is not entitled for such consideration.
5. This stand of the Government did not appeal to this Court as in course of hearing it was impliedly admitted by the State that 'n' number of employees working in different district union through out the State have been regularised by giving benefit of the circular dated 05.03.2008. In the above view of the matter, the Writ Appeal was disposed of by directing the respondents to complete the exercise of consideration of applicants' case for regularization in terms of circular dated 05.03.2008.
6. By order Annexure C-2, the respondents have rejected the

claim not on the ground that the applicant being an employee of District Union is not entitled for consideration but on the ground that there is break in service during the prescribed period which is a disqualification for consideration of regularization under the circular dated 05.03.2008.

7. Shri K.N. Nande, learned counsel for the applicant strenuously argued to demonstrate that there was no break in service and the decision to reject the claim is palpably illegal and arbitrary.
8. We are afraid, in this contempt jurisdiction, we can examine the legality of the order passed in compliance of our order in Writ Appeal. For that the applicant would be required to file fresh writ petition wherein he would have the benefit of submitting all the necessary documents to demolish the reasoning on the basis of which his claim for regularization has been rejected.
9. In view of the foregoing, we allow the applicant herein to file fresh writ petition to challenge the order rejecting his claim for regularization.
10. Accordingly, the contempt petition is disposed of.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Parth Prateem Sahu)
Judge