

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4608 of 2021**

Santosh Kumar Chaudhary S/o Shri Khubchand Chaudhary Aged About 36 Years Working In Municipal Corporation Assistant Grade Iii, Raigarh, Tahsil And District Raigarh Civil And Revenue District Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Urban Administration And Development, Mahanadi Bhavan, Raipur , District Raipur Chhattisgarh.
2. The Joint Director Department Of Urban Administration And Development, R.D.A. Bhavan, District Raipur Chhattisgarh.
3. The Commissioner Municipal Corporation , Raigarh, District Raigarh Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Manoj K. Sinha , Advocate
For State	:	Mr. Suyash Dhar, Panel Lawyer
For Respondent No.3	:	Mr. R.S. Patel, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****02/09/2021**

1. The present writ petition has been filed seeking for an appropriate direction to the respondent No.3 for regularizing the services of the petitioner.
2. According to the petitioner, he has put in more than a decade of service on the post of Computer Operator under the Municipal Corporation, Raigarh. It is the further contention of the petitioner that he has been working against sanctioned vacant post for all these periods over a decade and therefore his case should had been considered for regularization by the respondents authorities. Counsel

for the petitioner prayed for an appropriate direction to the respondents to consider the claim at the earliest.

3. Counsel for the petitioner relies upon the judgment of the Hon'ble Supreme Court in the case of '**Sheo Narain Nagar v. State of U.P. (2018) 13 SCC 432**' and also a decision rendered by the Hon'ble Supreme Court on 13.12.2019 in the case of '**Rajnish Kumar Mishra & others v. State of Uttar Pradesh & others**'.
4. Learned counsel for the respondent No.3 submits that subject to the petitioner making a fresh representation, the same shall be duly considered on its own merits in accordance with the Rules governing the field subject to verification of fact, so far as availability of vacancy and the sanctioned being given by the competent authority for the post against which the petitioner is claiming regularization.
5. On the submissions made by the counsel appearing on the either side, the writ petition as of now stands disposed of directing the petitioner to approach the respondent No.3 by way of a fresh representation supported with all relevant documents which he intends to rely upon and the respondent No.3 in turn shall consider the same on its own merit in accordance with law at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order.
6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved