
Dilharan Bareth Vs State Of Chhattisgarh And Ors

Writ Petition (S) No. 5043 Of 2018

Court: Chhattisgarh High Court

Date of Decision: Aug. 8, 2018

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Lav Sharma, Chandresh Shrivastava

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. Heard.

2. Grievance of the petitioner is that though the petitioner is entitled to be considered for regularization under the policy of the State Government dated

5.3.2008 promulgated in compliance of the judgment of the Supreme Court in the matter of Secretary, State of Karnataka and others Vs. Umadevi (3)

and others, reported in (2006) 4 SCC 1, the case of the petitioner has not been considered till date.

3. In the present writ petition, it has been stated by the petitioner that he was appointed as daily wager on 1.1.1989 and thereafter in the year 1997 he

was discontinued from engagement, which was successfully challenged by the petitioner by filing the claim before the Labour Court. The petitioner

was reinstated. The order of reinstatement was challenged by the respondents by filing the writ petition being WPL No.1605 of 2011 before this

Court, but the writ petition was also dismissed. In these circumstances, the petitioner is required to be treated as daily wager employee from his first

date of appointment w.e.f. 1.1.1989.

4. Learned Government Advocate appearing for the respondents/State submits that only those persons are entitled to be regularized who fulfilled the

requirement of condition mentioned in the circular of the State Government dated 5.3.2008.

5. Considering the submission made by learned counsel for the parties, prima facie, it appears that the petitioner was initially appointed as daily wager

in the year 1989, his services were discontinued in the year 1997 and thereafter he was reinstated under the judicial order, in these circumstances,

claim of the petitioner cannot be said to be frivolous and requires scrutiny in the light of the circular of the State Government dated 5.3.2008.

6. Accordingly, the present writ petition is disposed off with a direction to the respondents to consider the claim of the petitioner in the light of the

circular of the State Government dated 5.3.2008 and judgment of the Supreme Court in the matter of Umadevi (supra) and take a decision on the

claim of the petitioner as early as possible preferably within a period of four months from the date of receipt of copy of this order. No order as to

cost(s).