



IN THE HIGH COURT OF JUDICATURE AT BILASPUR

Writ petition No. 73/2001

PETITIONER :

Rajesh Dubey,
S/o Shri Babu Lal Dubey,
aged about 30 yeats,
R/O Sarkanda, Bilaspur (C.G.)

Vs.

RESPONDENTS :

- (1) State of Chhattisgarh
Through : The Secretary Forest
Department, Raipur, (Chhattisgarh)
- (2) The Chief Conservator,
Forest Department, Raipur (C.G.)
- (3) Divisional Forest Officer,
Production Division, Dhamtari,
Distt. Dhamtari (Chhattisgarh).
- (4) Kashtha Gar Adhikari,
Forest Department, Dhamtari,
Distt.- Dhamtari, (C.G.).
- (5) The Registrar,
M.P. State Administrative Tribunal
Principal Bench, Jabalpur (M.P.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA FOR ISSUE OF AN APPROPRIATE WRIT IN THE NATURE
OF MANDAMUS/CERTIORARI/PROHIBITION ETC. OR ORDERS OR
DIRECTIONS IN THE LIKE NATURE.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 73 सन् 2001

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p><u>DIVISION BENCH: -</u> <u>HON'BLE SHRI K.H.N. KURANGA, CJ</u> <u>& HON'BLE SHRI L.C. BHADOO, J.</u></p> <p>30.6.2003:</p> <p>Shri R.M. Pandey counsel for the petitioner. Ms. Sharmila Singhai, Dy. GA for the respondent/State. Heard both the counsel.</p> <p>The petitioner by this writ petition filed under Articles 226/227 of the Constitution of India has challenged the order dated 5.4.2000 passed by the M.P. State Administrative Tribunal whereby the original application filed by the petitioner was rejected on the ground that the petitioner was admittedly not appointed after August, 1992. The Tribunal was of the opinion that the petitioner is not entitled to get the benefits of the Government circular placed at annexure A-11 dated 15th May, 1987 as well as the circular dated 9.1.90 as referred in the Newspaper photocopy of which was placed at Annexure A-10. The Tribunal has further observed in the impugned order that to derive the benefit of the circular dated 9.1.90 of the State Government it was necessary for the daily wagers to be appointed prior to 31.12.1988 and to continue in service till the publication of the said notification i.e. 9.1.90.</p>	<p>1/6</p>

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 73 सन् 2001

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>The perusal of the above-mentioned notification reveals that the services of only those employees are to be regularised who were in service prior to 31-12-88 and continued in the service till the date of issuance of that circular i.e. 09-01-90. Admittedly the petitioner was not working on the date of issuance of this circular. Even the document filed before this Court as annexure P-9 reveals that the petitioner was engaged for temporary period in the year 1986-87 and thereafter till December 1989. Therefore, at the time of issuance of that circular the petitioner was not in service as such he was not entitled for regularisation.</p> <p>In view of the discussion as above and the reasoning recorded by the Tribunal in the impugned order, we are of the opinion that the impugned order does not suffer from any infirmity or illegality and as such the petition is liable to be dismissed.</p> <p>In the result, the petition has no substance and it is accordingly dismissed.</p> <p>Sd/- Chief Justice</p>	<p>Sd/- L.C.BHADOO Judge</p>