



2025:CGHC:44039

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 9716 of 2025

1 - Ashish Dev Lehse S/o Devkumar Lehse, Aged About 35 Years Working As Peon, R/o- Mana Camp, Shri Ram Chowk, Raipur, P.S.- Mana Camp, Tahsil And District Raipur (C.G.).

2 - S. Kumar Lehse S/o Sumet Lal Lehse, Aged About 44 Years Working As Peon, R/o- Mana Camp, Ward No. 14, Mother Teresa Nagar, Raipur, P.S.- Mana Camp, Tahsil And District Raipur (C.G.)

... Petitioner(s)

Versus

1 - State of Chhattisgarh Through Secretary, Department of Social Welfare, Mahanadi Bhawan, Mantralaya, Naya Raipur (C.G.)

2 - Director, Directorate Of Social Welfare, Mana Camp, Vip Road, Raipur, District Raipur (C.G.)

3 - Joint Director, Department Of Social Welfare, Raipur, District Raipur (C.G.)

4 - Superintendent, Government Multidisabled Home, Mana Camp, Raipur (C.G.)

5 - Officer-In-Charge, Serebral Polcy Gate Lab, Mana Camp, District Raipur (C.G.)

... Respondent(s)

For Petitioner (s)	:	Shri Ayush Verma, Advocate.
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For State	:	Shri Arvind Dubey, Govt. Advocate.
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Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

29.08.2025

1. By the present petition, the petitioner(s) is/are seeking a direction towards the respondent authority to regularize the services of the petitioner(s) pursuant to the circular dated 05-03-2008 from the date when similarly situated persons have been regularized.
2. Case of the petitioner(s), in brief, is that the petitioner(s) is/are presently working with the respondent Department on contract basis and have completed more than a decade. The petitioner(s) is/are having all the requisite qualifications for holding the post. He/They have submitted detailed

representation to the respondent authorities for considering the case for regular appointment as they had already completed more than a decade.

3. Learned counsel for the petitioner submits that the action on the part of the respondent authorities is illegal, arbitrary, discriminatory in nature and also violative of principles of natural justice and the Articles 14, 15 & 21 of the Constitution of India. The petitioner(s) is/are working on contract basis since long. He would further submit that the State government has regularized the services of similarly situated employees on the basis of circular dated 05/03/2008, therefore, the petitioner(s) is/are also entitled for regularization of services on the post of Driver. In support of his contention, learned counsel has relied on the judgment passed by this Court in the matter of ***Manoj Kumar Nirmalkar Vs. State of Chhattisgarh (WPS No.4293 of 2012, decided on 10.02.2023)***.
4. Par Contra, learned counsel for the respondents/State would oppose the contention of the counsel for the petitioners.
5. I have heard learned counsel for the parties and perused the material available on record.
6. The Hon'ble Apex Court in the matter of ***Narendra Kumar Tiwari and Others Vs. The State of Jharkhand and Others (Civil Appeal Nos. 7423-7429 decided on 01.08.2018)*** held in para 11 as under:

"11. Under the circumstances, we are of the view that the Regularization Rules must be given a pragmatic interpretation and the appellants, if they have completed 10 years of service on the date of promulgation of the Regularization Rules, ought to be given the benefit of the service rendered by them. If they have completed 10 years of service they should be regularized unless there is some valid objection to their regularization like misconduct etc."
7. Having regard to the facts and circumstances of the case and the principles of law laid down by the Hon'ble Supreme Court, this petition is allowed. The respondent authorities are directed to inspect the records of other similarly situated employees when their services were regularized. If the case of the

petitioner(s) is/are also found to be similar to those employees whose services were regularized, the services of petitioner(s) be also regularized from the same date, subject to verification of service record of the petitioner(s). It is also directed that all this exercise be completed within a period of 120 days from the date of receipt of copy of this order.

Sd/-
(Ravindra Kumar Agrawal)
Judge

inder