

(2019) 02 CHH CK 0090
In the Chhattisgarh High Court
Case No : Writ Appeal No. 36 Of 2019

Onkar Singh Tamrakar

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 07-02-2019

Acts Referred:

Citation : (2019) 02 CHH CK 0090

Hon'ble Judges : Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

Bench : Division Bench

Advocate : Roop Naik, Siddharth Dubey, Sharmila Singhai

Final Decision : Dismissed

Judgement

Ajay Kumar Tripathi, CJ

1. I.A. No. 01 of 2019 is an application for condonation of delay of 89 days in filing the appeal. For the reasons indicated in the said I.A., the same is allowed. Delay is condoned.

2. The Appellant was initially engaged on daily wage as an Electrician sometime on 21.11.1985. He sought regularization when similarly situated persons had been regularized. He also raised a grievance when one Ganesh Patel was appointed on a regular basis as an Electrician by moving the High Court. The High Court gave a direction for consideration of the case of the Appellant for regularization.

3. The Respondents, keeping in view direction of the High Court decided to regularize the service of the Appellant w.e.f 10.10.2002 on a vacant post available of Assistant Revenue Inspector.

4. Keeping in mind that a daily wage employee does not have a right for regularization as a matter of fact or that regularization from the back date of

initial engagement is not permissible as such, therefore, the Court did not feel that a direction was required to be issued to put the Appellant on a post,

may be, lower in status and salary of that of an Electrician from a back date. Writ application was dismissed and therefore the appeal.

5. Having heard counsel for the Appellant as well as the Respondents, we fail to understand as to why such an appeal has been filed in the very first

place because the prayer and relief which had been made or is being pursued is detrimental to the interest of the Appellant. More so when it is not

disputed that the post of Assistant Revenue Inspector is not inferior to that of an Electrician or that the salary etc. which he is entitled is also in no

way inferior to the post of an Electrician.

6. We have also noticed that the Appellant has already put in about 16 years of work after regularization and he has another 10-11 years to go.

Obviously the Appellant has not understood the import of the kind of relief he is looking at. The learned Single Judge, infact, has helped him by not

acceding to his prayer.

7. Appeal has no merit. It is dismissed.