



2025:CGHC:18497

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2749 of 2025

1 Jagarnath Ram S/o Late Shri Kariya Ram Aged About 49 Years Working As Post Of Aushdhalay Sevak (Contract Basis) At Govt. Ayurvedic Dispensary Ranpur, Thana - Narayanpur, District - Jashpur Chhattisgarh

... **Petitioner(s)**

versus

1 State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Mantralya Mahanadi Bhawan, Naya Raipur Chhattisgarh

2 District Ayurved Officer, Jashpur District Jashpur Chhattisgarh

... **Respondent(s)**

(Cause title taken from CIS)

For Petitioner(s)	: Shri Manoj Chauhan, Advocate
For Respondent(s)/State	: Shri Suyashdhar, Dy. G.A.

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

24.04.2025

1. By the present petition, the petitioner is seeking a direction towards the respondent authority to regularize the services of the petitioner on the post of Aushdhalay Sevak pursuant to the circular dated 05.03.2008 from the date when the similarly situated persons have been regularized.
2. Case of the petitioner, in brief, is that the petitioner is presently working on the post of Aushdhalay Sevak in department of respondent as daily wager

and has completed more than two decades of service. The petitioner is having all the requisite qualifications for holding the post of Aushdhalay Sevak. The petitioner had submitted his detailed representation to the respondent authorities for considering his case for regular appointment on the post of Aushdhalay Sevak as he had already completed more than two decades of service.

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 the principles of natural justice and Articles 14, 15 & 21 of the Constitution of India. The petitioner is a daily wager since long. He would further submit that the State government has regularized the services of similarly situated daily wage employees on the basis of circular dated 05/03/2008, therefore, the petitioner is also entitled for regularization of his services on the post of Aushdhalay Sevak. In support of his contention, learned counsel has relied on the judgment passed by this Court in the matter of ***Manoj Kumar Nirmalkar v. State of Chhattisgarh***¹
4. *Per Contra*, learned counsel for the respondents/State would oppose the contention of the counsel for the petitioner.
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 v. The State of Jharkhand and Others***² 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

1 WPS No. 4293 of 2012 (decided on 10/02/2023)

2 Civil Appeal Nos. 7423-7429 of 2018 (decided on 01/08/2018)

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, the petition is allowed. The respondent authorities are directed to inspect the records of others similarly situated employees when their services were regularized. If the case of the petitioner is also found to be similar to those daily wagers whose services were regularized, his services be also regularized from the same date. It is also directed that all this exercise be completed within a period of 60 days from the date of receipt of copy of this order.

Sd/-

(Bibhu Datta Guru)
Judge

Jyoti