



2026:CGHC:21298

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3897 of 2018

1 - Onkar Sinha S/o S/o Dhruw Kumar Sinha, Aged About 49 Years Working As Forest Guard, Dhamtari Division, Modi Range, Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

2 - Panna Lal Soni, S/o S/o Ramlal Soni, Aged About 51 Years Working As Forest Guard, Risgaon Range, Udanti Forest Division, Gariyaband, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

3 - Pokhan Lal Sahu S/o S/o Bishnu Ram Sahu Aged About 56 Years Working As Forest Guard , Dhamtari Division, Modi Range, Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

4 - Dinesh Kumar Sahu, S/o S/o Gopinath Sahu, Aged About 54 Years Working As Forest Guard, Dhamtari Division, Birgudi Range, Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Forest Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

2 - Principal Chief Conservator Of Forest, Aranya Bhawan, Medical College, Road, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

3 - Chief Conservator Of Forest, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

4 - Divisional Forest Officer, Mahasamund, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- **Respondents**

For petitioners

: Mr. K.P. Sahu, Advocate

For State

: Mr. Amandeep Singh, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

07.05.2026

1. The petitioners have filed this petition seeking following relief (s) :

“10.1 This Hon'ble Court may kindly be pleased to direct the respondent authorities to consider the case of the petitioners for regularization from the date, whereby the similar situated employees have been regularized i.e. 01.08.1992.

10.2. That, this Hon'ble may kindly be pleased to direct grant all the consequential benefits to the petitioners.

10.3. That, this Hon'ble Court may kindly be pleased to grant any other relief as it may deems fit and appropriate.”

2. The facts in brief are that the petitioners were appointed as daily-wage employees in the year 1989. Their services were extended from time to time. They have claimed regularization pursuant to Notification issued by erstwhile State of Madhya Pradesh dated 15.12.1992, wherein, it is stated that all those daily wagers who have completed three years of services, would be entitled for regular pay scale admissible to work charged and contingency paid employee. The petitioner preferred an Original Application No.1076 of 1995 before the State Administrative Tribunal and after reorganization of the State of Chhattisgarh, the said case was registered as WPS No.1095 of 2005, wherein, liberty was granted to the petitioners to make a representation before the competent authority and a direction was issued to decide said representation. The representation made by the petitioners dated 26.04.2018 has not been considered yet and thus, the petitioners have claimed regular pay scale from 01.08.1992.
3. Mr. Sahu, learned counsel appearing for the petitioners would submit that the claim of some of the daily-wage employees were

considered for regular pay scale after completion of three years of service and names of the petitioners have not been considered and thus, action of the respondents is arbitrary and discriminatory. He would pray to allow this petition.

4. On the other hand, learned Panel Lawyer appearing for the State would oppose the submissions. He would submit that according to Circular dated 15.12.1992, services of the work charged and contingency paid employees, who were appointed prior to 31.12.1988 were considered for regularization whereas the petitioners were appointed after cut off date. He would further submit that the petitioners were not appointed against sanctioned and vacant posts and subsequently, the sanctioned posts were cancelled vide Circular dated 05.02.1998 and therefore, the petitioners have no right to claim regular pay scale from 01.08.1992.
5. I have heard the learned counsel appearing for the parties and perused the documents placed on record.
6. The Hon'ble Division Bench in the matter of **Nehru Lal Saral Versus State of Chhattisgarh and others**, passed in **Writ Appeal No.692 of 2025, decided on 31.10.2025**, while considering identical facts in para 8 & 9 held as under :

“8. From perusal of the impugned order, it transpires that the learned Single Judge dismissed the writ petition preferred by the writ petitioner / appellant herein relying upon the judgments passed by the Hon'ble Supreme Court in the matter of **Vikau K. Dhand and Others Vs. State of Punjab and Others (2004) 13 SCC 707**, **Punjab State Electricity Board and Others Vs. Swaran Singh (2005) 13 SCC 246** and in the matter of **Union of India and Others Vs. Sheela Rani (2007) 15 SCC 230** and held that regularization should be prospective and not retrospective as chances of their upsetting the seniority of

regular appointees cannot be overlooked. In the case before the Supreme Court, the concerned employee was engaged as casual worker on 17/11/1982 and was regularized w.e.f. 26/09/2001 and her claim for regularization from the date of initial appointment was rejected by the Hon'ble Supreme Court. Regularization from a particular date has several aspects on which the order is passed since it depends on availability of post in a particular office, inter se seniority of persons working on casual basis/daily wagers and seniority of regular appointees. In the light of the above judgments of Supreme Court, the learned Single Judge opined that to pass an order of regularization from a particular date is basically a policy decision and this court need not interfere in such matters unless a right has accrued in favour of the employees to be regularized from a particular date which is taken to be cut-off date by the government.

9. Considering the submissions made by the learned counsel appearing for the parties and the impugned order passed by the learned Single Judge, we notice that the same has been rendered with cogent and justifiable reasons. In an intra-court appeal, no interference is usually warranted unless palpable infirmities are noticed on a plain reading of the impugned order. In the facts and circumstances of the instant case, on a plain reading of order, we do not notice any such palpable infirmity or perversity, as such, we are not inclined to interfere with the impugned order.”

7. Having considered the facts of the case and law laid down by the Hon'ble Division Bench in the matter of **Nehru Lal Saral (supra)**, I do not find any good ground to interfere, accordingly, this petition fails and is hereby **dismissed**.

Sd/-

(Rakesh Mohan Pandey)
Judge