



2026:CGHC:5394

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### WPS No. 5478 of 2019

**1** - Keshav Prasad Patra S/o Shri Partikeshwar Patra Aged About 55 Years Posted At Government Iti Bastar, District Bastar Chhattisgarh.,

... **Petitioner(s)**

**versus**

**1** - State Of Chhattisgarh Through Secretary, Skill Development Technical Education And Employment Department, Chamber No. 52/3, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.,

**2** - Director Directorate, Employment And Training, Indrawati Bhawan, Block No. 4. First Floor, New Raipur, District Raipur Chhattisgarh.

**3** - Joint Director Employment And Training, Indrawati Bhawan, Bairan Bazar, Raipur, District Raipur Chhattisgarh.,

**4** - Commissioner - Cum - Secretary Directorate Employment And Training, Chhattisgarh, Block - D, First Floor, Indrawati Bhawan, New Raipur District Raipur Chhattisgarh.,

**5** - Principal Government Iti Bastar, District Bastar Chhattisgarh.,

... **Respondent(s)**

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|--------------------------|---|------------------------------------|
| For Petitioner(s)        | : | Shri BP Banjare, Advocate.         |
| For Respondent/<br>State | : | Shri Ujjwal Choubey, Panel Lawyer. |

**Hon'ble Shri Sanjay K. Agrawal, J**

**Order On Board**

**30/01/2026:**

- By the present Writ Petition, the petitioner is challenging the order dated 9.7.2018 (Annexure-P/1) passed by respondent No.2, as also the



orders dated 4.8.2018 & 10.8.2018 (Annexure-P/2 & P/3 respectively) by which the representation submitted by the petitioner was considered by the respondent authorities and a scrutiny committed was also constituted for the purpose and upon receipt of the enquiry report, the representation submitted by the petitioner was rejected.

2. Case of the petitioner is that he was regularized pursuant to the order of the State Government dated 5.3.2008 on 10.6.2013, which he has accepted without challenge/protest. Thereafter, the petitioner had filed a Writ Petition bearing WPS No.3090/2018, in which this Court has directed the respondents to decide the grievances raised by the petitioner i.e. to grant regular pay scale to the petitioner under the contingency services immediately on completion of three years of service from the initial date of appointment. In compliance of the order passed by this Court, a scrutiny committee was constituted, which has submitted its report, on the basis of which, the representation filed by the petitioner was rejected on 10.8.2018, vide Annexure-P/3 holding that the petitioner is not entitled.
3. Learned counsel for the petitioner would submit that the respondent authorities were not justified in rejecting the representation preferred by the petitioner.
4. On the other hand, learned State Counsel would support the impugned order.



5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
6. Circular dated 5.3.2008 by virtue of which the Petitioners' services have been regularized, Part-B clause (viii) of which clearly provides that daily wagers/ad-hoc workers will be deemed to be regular employee from the date when order of their regularization is passed and not from the prior date and their name shall be placed below in the Gradation List en-bloc as per their inter-se seniority. For ready reference, clause (viii) is being reproduced hereunder:-

“(viii) परिपत्र जारी होने के बाद प्रशासकीय विभागों द्वारा नियमितिकरण के आदेश जिस दिन जारी किये जायेंगे उसी दिनांक से ही नियमित कर्मचारी माने जायेंगे। पूर्व के किसी दिनांक से नहीं। पदक्रम सूची में इनके नाम आपसी वरिष्ठता अनुसार एनब्लॉक सबसे नीचे रखे जायेंगे।”

7. The question as to whether the regularisation should be granted with retrospective effect or it should be prospective effect is no longer res integra. It has been considered by the Supreme Court in the matter of **Registrar General of India & Another v. V. Thippa Setty & Others**<sup>1</sup> wherein it has been held by their Lordships that the regularization should ordinarily be prospective so that seniority of those who are already in regular service is not affected and held as under:-

“2. ...It must be remembered that they had entered as ad hoc appointees and the question was whether they should be regularised in service since they had worked as ad hoc employees for a sufficiently long time. If the ad hoc service is regularised from the back date in this manner, it will disturb the seniority of regularly appointed employees in the cadre and, therefore,

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<sup>1</sup> (1998) 8 SCC 690



ordinarily the regularisation must take effect prospectively and not retrospectively. It must also be borne in mind that ad hoc appointees, casual labour and daily-rated persons are not subject to strict discipline of service and it is a matter of common experience that their attendance is very often not regular and at times they do not even meet the qualification for appointment since they are taken on ad hoc basis. These deficiencies are overlooked by way of granting of relaxation and, therefore, care must be taken to see that they do not upset the seniorities of regular appointees. Whether they qualify in a given case or not is not relevant but what is relevant is that regularisation should be prospective and not retrospective as the chances of their upsetting the seniorities cannot be overlooked. The Tribunal must take care to see that when they pass orders of regularisation from retrospective dates, those who are likely to be affected on account of that order are not before that court and unwittingly their careers are not adversely affected. Ordinarily, therefore, the regularisation must be prospective.”

8. This Court has also taken similar view in the matter of **Madhav Prasad Sarathe & Another Vs. State of Chhattisgarh & Others** (WPS No.6720/2016, decided on 27.1.2025), which has been affirmed by the Division Bench of this Court in the matter of **Madhav Prasad Sarathe & Another Vs. State of Chhattisgarh & Others** (Writ Appeal No.191/2025, decided on 20.3.2025).
9. In that view of the matter, following the order passed by the Division Bench of this Court in the matter of **Madhav Prasad Sarathe & Another**, referred to above, I do not find any merit in the present Writ Petition, which deserves to be and is hereby dismissed.

Sd/-  
(Sanjay K. Agrawal)  
Judge