

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4662 of 2016

Ramesh Kumar Sahu S/o Late Jairam Sahu, Aged About 50
Years R/o Lakholi, Ward No. 34, Santosh Nagar,
Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water
Resource Department, Mantralaya, New Raipur, District
Raipur, Chhattisgarh.
2. Chief Engineer, Mahanadi Godavari Kachhar, Water Resource
Department, Raipur, Chhattisgarh
3. Executive Engineer, Water Resource Department,
Rajnandgaon, District Rajnandgaon (Chhattisgarh)
4. Sub Divisional Officer, Water Resource Department, Sub
Division -2, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri B.P. Singh, Advocate
For State	:	Shri Gary Mukhopadhyay, Dy. Government Advocate.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/09/2016

Heard.

1. The grievance of the petitioner is that though he was appointed as daily wage employee even prior to 1989, his services were terminated in the year 1994, against which, the petitioner approached Labour Court and order of reinstatement was passed in his favour. In

the meantime, number of daily wage employees have been considered and granted regularization as per circular dated 05.03.2008 promulgated by the State Government to consider cases of daily wage eligible employees for regularization as one time measure in compliance of the judgment of the Supreme Court in the case of **Secretary, State of Karnataka & Ors. Vs. Umadevi (3) and Ors.,(2006) 4 SCC 1**).

2. Learned counsel for the petitioner submits that the respondents have considered cases of regularization of those employees who have been reinstated under an order of the Labour Court notwithstanding the pendency of the writ petition against the order of award at the instance of respondents, before this Court. Learned counsel for the petitioner further submits that his case is covered by circular dated 05.03.2008 as he was appointed as daily wage employee during the period specified in the circular. It is also submitted that at one point of time, the petitioner services was terminated in the year 1994, which was assailed before the Labour Court successfully and the Labour Court passed an award in favour of the petitioner reinstating him. The order of reinstatement was challenged by the State before this Court, which petition was also dismissed vide order dated 12.04.2013 passed in **Writ Petition No.1883 of 2002 (State of Chhattisgarh Vs. Ramesh Kumar)**.

3. It is submitted that as the legal consequence of reinstatement would be continuity in service and the petitioner having actually been reinstated in service and working as a daily wage employee, is entitled to be considered.

4. Having considered the aforesaid submissions and the material on record, particularly taking into consideration that the effect of reinstatement would be continuity in service ever since the date of initial appointment, the claim of the petitioner does not appear to be frivolous and requires serious consideration in the light of circular

dated 05.03.2008 and the judgment of the Supreme Court in the case of Umadevi (supra). Accordingly, the respondents are directed to consider petitioner's claim for regularization strictly in accordance with circular dated 05.03.2008 and judgment of the Supreme Court in the case of **Umadevi (supra)**.

5. With the aforesaid observation/direction, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha