

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 4137 of 2017**

Pratap Yadav S/o Jugutram Yadav Aged About 44 Years R/o Village Bhulatola,  
Tahsil- Khairagarh, District Rajnandgaon, At Present Posted At Forest Range  
Officer- Gurur, District- Balod, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary Forest Department, Mantralaya,  
Mahanadi Bhawan, Raipur, Chhattisgarh
2. The Chief Conservator Of Forest Chhattisgarh, Raipur, Chhattisgarh
3. The Conservator Of Forest, Durg Circle, District- Durg, Chhattisgarh
4. The Divisional Forest Officer, Forest Division- Balod, District- Balod,  
Chhattisgarh
5. The Forest Range Officer, Forest Range- Balod, District- Balod, Chhattisgarh

**---- Respondents**

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|----------------|---|-------------------------------------------------------------|
| For Petitioner | : | Shri Shri R.K. Bhagat and Shri Jitendra Shukla,<br>Advocate |
| For State      | : | Shri Chandresh Shrivastava, Panel Lawyer                    |

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

**Order On Board**

**30/08/2017**

Heard.

1. Grievance of the petitioner, as ventilated through this petition is that even though the petitioner is continuing as daily wage employee since long, his claim for regularisation has not been decided till date. It is submitted that though the petitioner was terminated in the year 1989, award of reinstatement was passed in his favour by the Labour Court in the year 1998 with the legal consequence that the petitioner shall be deemed to be in service from the

initial date of appointment in the year 1984.

2. If the case of the petitioner is considered treating his initial date of appointment as in the year 1984, he would be entitled to be considered for regularisation under circular dated 05/03/2008 issued for consideration of cases of regularisation pursuant to direction of the Supreme Court in the case of **Secretary, State of Karnataka and others Vs. Uma Devi** (3) and others, 2006 (4) SCC 1, for consideration of cases of those, who have completed 20 years of service.
3. After going through the records and orders passed by the Labour Court, it is quite clear that the effect of the order would be that the petitioner shall be deemed to be in service without any break. This would entitle the petitioner for due consideration for regularisation under circular dated 05/03/2008. This shall be done now.
4. Let the case of the petitioner shall be considered by a duly constituted committee as per policy dated 05/03/2008 and decision be taken within an outer limit of three months from the date of receipt of copy of this order.

Sd/-  
(**Manindra Mohan Shrivastava**)  
Judge