

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.4113 of 2017

- Rohit Kumar S/o Maharu Ram Dhobi, Aged About 50 Years R/o Village Adamagoundi, Tahsil Mohla, District Rajnandgaon, At Present Posted At Thanapuri Parisar, Forest Range Office Gurur, District Balod Chhattisgarh.

---- Petitioner

Versus

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

---- Respondents

For Petitioner	:	Shri Jitendra Gupta, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

29/08/2017

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 regularization has not been decided till date. It is submitted that though the petitioner was terminated in the year 1999, award of reinstatement was passed in his favour by the Labour Court in the year 2000 with the legal consequence that the petitioner shall be deemed to be in service from the initial date of appointment in the year 1989.

2. If the case of the petitioner is considered treating her initial date of appointment as in the year 1989, she would be entitled to be considered for regularization 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 regularization 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