NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 229 of 2017

Nand Kumar Kesharvani S/o Late Vishal Ram Kesharvani, Aged About 49 Years Posted As A Peon / Chaukidar, At Chhattisgarh State Agriculture Vipnan Mandi Board, Jagdalpur, District Bastar, Chhattisgarh.

---- Petitioner

Versus

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

2. Deputy Director, Chhattisgarh Rajya Krishi Vipnan Mandi Board, Bastar Division, Behind Sodhi Petrol Pump, Jagdalpur, District Bastar, Chhattisgarh.

3. Managing Director, Chhattisgarh, Rajya Krishi Vipnan Board, Purani Ganjmandi Prarisar, Raipur, Chhattisgarh.

4. Collector, Jagdalpur, District Bastar, Chhattisgarh. **---- Respondents**

For Petitioner : Mr. B.P. Singh, Advocate
For State : Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

31.10.2017

Heard.

1. The grievance of the petitioner is that though the petitioner was appointed as daily wage employee in the year 1991, his services were terminated in the year 2000, against which, the petitioner approached Labour Court and an order of reinstatement was passed in his favour on 23.08.2011. 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 others, 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.

3. The facts pleaded in the petition and the orders of the Labour Court placed on record do show that the petitioner was terminated in the year 2000. Under award of the Labour Court, he has been directed to be reinstated, therefore, he shall be deemed to continue in service as held by the Division Bench of this Court in the case of Tukaram Vs. State of Chhattisgarh in WPS No.1703 of 2015 and batch of petitions decided vide common order dated 16.05.2017. Therefore, in these circumstances and further taking into consideration that this Court has already disposed off similar cases for consideration, the respondents are directed to consider petitioner's claim for regularization strictly in accordance with the policy contained in circular dated 05.03.2008 promulgated by the State Government for consideration of eligible daily wage employees for regularization as one time measure in compliance of the judgment of the Supreme Court in the case of Umadevi (supra). This exercise shall be completed within a period of three months from the date of receipt of copy of this order.

4. It is also stated that against the award of the Labour Court, a petition has been filed before this Court which is still pending. However, it is submitted that the said award has not been stayed. It goes without saying that regularization if any done by the respondents, would be subject to the outcome of the pending writ petition filed by the State Government.

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

Sd/-

(Manindra Mohan Shrivastava)
Judge

Rekha