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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6155 of 2017**

- Ashok Kumar Parihar S/o Chinta Singh Parihar, Aged About 48 Years R/o Janta Colony 134, Gudhiyari Raipur, District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
2. Chief Engineer, Mahanadi Pariyojna, Water Resources Department, Raipur, District Raipur, Chhattisgarh.
3. Executive Engineer, Mahanadi Jal Pariyojna, Disnet, Division No. 2, Abhanpur, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Petitioner	Mr. KP Sahu, Advocate
For Respondent /State	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****20/11/2017**

1. Heard.
2. The petitioner is claiming regularisation on the pleadings that the petitioner was initially appointed as Daily Wage Chowkidar in the year 1989. He was retrenched on 1.2.1995, in respect of

which, a dispute arose and a reference was made to the Labour Court. The proceedings culminated in an award of reinstatement passed in favour of the petitioner on 09.10.2014.

3. In the matter of similarly situated employees, who were retrenched and thereafter reinstated in service, a Division Bench of this Court in WPS No.1703 of 2015 and batch of petitions, decided on 16.5.2017, authoritatively propounded the legal position that those employees who have been reinstated under an award shall be deemed to have continued in service.
4. The petitioner claimed the benefit of the said order, but his claim has been rejected by the impugned order by stating that the said order does not relate to the petitioner, which has led the petitioner to file this petition.
5. The factual matrix of the case, reflected from the authenticated documents placed on record, including the award of the Labour Court leave no manner of doubt that though the petitioner was retrenched on 01.02.1995, but later on, under the award, he was reinstated in service on 09.10.2014. Therefore, the legal position as adumbrated in the order dated 16.5.2017 passed by the Division Bench in WPS No.1703 of 2015 and batch of petitions, would become applicable to the case of the petitioner also.
6. The petitioner's case of regularisation will require consideration as if he had uninterruptedly remained in daily wage employment since his initial date of employment in 1989 till the

date of his consideration.

7. Let the appropriate decision in the matter of regularisation be taken in the light of the observations made by this Court, as above, within a period of 3 months.
8. The writ petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)

Judge

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