

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3424 of 2017

Bhola Ram S/o Makhan Singh, Aged About 50 Years Working At Kusumkasa
Parisar, Forest Rang Office Dallirajhara, District Balod, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Forest Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. The Chief Conservator Of Forest, Chhattisgarh, Raipur, Chhattisgarh
3. The Conservator Of Forest, Durg, District Durg, Chhattisgarh
4. The Divisional Forest Officer, Forest Division Durg, District Durg, Chhattisgarh
5. The Divisional Forest Officer, Forest Division Balod, District Balod, Chhattisgarh
6. The Forest Range Officer, Forest Range Office Dallirajhara, District Balod, Chhattisgarh

---- Respondents

Shri Jitendra Gupta, counsel for the petitioner/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/07/2017

Heard.

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 2001, award of reinstatement was passed in his favour by the Labour Court in the year 2009 with the legal consequence that the petitioner shall be deemed to be in service from the initial date of appointment, i.e. in the year 1992.

2. If the case of the petitioner is considered treating his initial date of

appointment as of the year 1992, 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)
J U D G E