NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3327 of 2017

Nar Singh Netam S/o Duvaru Ram Netam Aged About 45 Years At Present Rang Office Gurur, Working At Office Of Assistant Range Office Kuwagondi, Post Doundi, Tahsil Doundi, 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 Doundi, Forest Division, Balod, District Balod Chhattisgarh.

---- Respondents

For Petitioner : Mr. Jitendra Gupta, Advocate
For State : Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/07/2017

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 2000, 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 in the year 1996.

2. If the case of the petitioner is considered treating his initial date of appointment as in the year 1996, 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

Rekha