

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 539 OF 2018**

Radheshyam, S/o Baliram Halwa Thakur, aged about 48 years, R/o Tumdikasa, Post Office- Bhanwarmala, Tahsil- Lohara, District- Balod, at present posted at Badhhum (Gurur), Forest Range Office- Gurur, District- Balod (C.G.)

... Petitioner**versus**

1. State of Chhattisgarh, through Secretary, Forest Department, Mantralaya, Mahanadi Bhawan, Raipur (C.G.)
2. The Chief Conservator of Forest Chhattisgarh, Raipur (C.G.)
3. The Conservator of Forest, Durg Circle, District- Durg (C.G.)
4. The Divisional Forest Officer, Forest Division- Balod, District- Balod (C.G.)
5. The Forest Range Officer, Forest Range- Balod, Forest Division Balod, District Balod (C.G.)

... Respondents

For Petitioner	:	Mr. Tarun Dansena, Advocate.
For Respondents	:	Mr. Syed Majid Ali, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/01/2018**

1. Grievance of the Petitioner as ventilated through the present writ 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 2011 with the legal consequence that the Petitioner shall be deemed to be in service from the initial date of appointment in the year 1988.

2. If the case of the Petitioner is considered treating his initial date of appointment as in the year 1988, he would be entitled to be considered for regularisation under circular dated 5.3.2008 issued for consideration of cases of regularisation pursuant to directions of the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka and others v. 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 5.3.2008. This shall be done now.

4. Let the case of the Petitioner be considered by a duly constituted committee as per policy dated 5.3.2008 and decision be taken within an outer limit of three months from the date of receipt of copy of this order.

Sd/-
(P. Sam Koshy)
Judge