NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1314 of 2018

Baisakhin Bai, W/o Chamru Ram, aged about 58 years, R/o Village Shikhari Para, District Balod, Chhattisgarh, at present posted at Forest Range Dalli Rajhara, District- Balod, Chhatisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Forest Department, Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh.
2. The Chief Conservator Of Forest Chhattisgarh, Raipur, Chhattisgarh.
3. The Conservator Of Forest, Durg Circle, District Durg, Chhattisgarh.
4. The Divisional Forest Officer, Forest Division Balod, District Balod, Chhattisgarh.
5. The Forest Range Officer, Forest Range- Dalli Rajhra, Forest Division Balod, District Balod, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Jitendra Gupta, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/02/2018

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, her 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 her 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 1991.
2. If the case of the petitioner is considered treating her initial date of appointment as in the year 1991, she 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 order 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/-
(P. Sam Koshy)
Judge

Ved