

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1399 of 2018**

Sukhdev Yadav S/o Shri Jagannath Yadav Aged About 47 Years R/o Sahaspur Lohara Ward No.7, Tahsil Lohara District Kabirdham Chhattisgarh.

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through Its Secretary Department Of Forest , Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh
2. Chief Conservator Of Forest, Durg Circle District Durg Chhattisgarh.
3. Divisional Forest Officer, General Forest Division District Kawardha/ Kabirdham Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Parag Kotecha, Advocate
For State	:	Mr. Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/02/2018**

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, his claim for regularisation has not been decided till date. It is submitted that though the petitioner was terminated in the year 1999, award of reinstatement was passed in his favour by the Labour Court in the year 2010 with the legal consequence that the petitioner shall be deemed to be in service from the initial date of appointment in the year 1995.
2. If the case of the petitioner is considered treating his initial date of appointment as in the year 1995, 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 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