

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2113 of 2018

Shyam Lal Sahu S/o Jagar Singh Sahu Aged About 53 Years R/o Village Chikhili,
Tahsil Bodla Kawardha District Kabirdham Chhattisgarh., District : Kawardha
(Kabirdham), Chhattisgarh

---- Petitioner

Versus

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

---- Respondents

For Petitioners	:	Shri Parag Kotecha, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/03/2018

1. Learned counsel for the petitioner submits that the Division Bench of this Court in the case of **Tukaram Vs. State of Chhattisgarh** (WPC No.1703 of 2015 and batch of petitions) concludes the issue raised in this petition that for the purpose of considering cases for regularization under circular dated 5.3.2008 of the State Govt., an employee shall be deemed to continue in service from initial date of appointment where his termination order has been set aside and he has been reinstated by an award of the Labour Court.
2. Learned counsel for the State submits that the legal position is settled but the matter would require consideration on verification of facts.
3. The petitioner was initially appointed in the year 2001 as daily wage employee. He was terminated from service in the year 2010. This order was challenged

before the Labour court successfully, when the Labour Court passed an order of reinstatement on 18.6.2014, which led to reinstatement without back wages.

In view of the decision of the Division Bench in the case of **Tukaram** (supra), it is settled that the effect of reinstatement would be continuity in service, therefore, the petitioner's case may be considered for regularization treating him to be a daily wage employee working continuously since 2001.

4. The petitioner's case for regularization be re-considered by the respondent-authority treating him to be continued in service working as daily wage employee since 2001 and appropriate decision be taken within a period of three weeks from the date of receipt of copy of this order.
5. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge