

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2302 of 2018

Ram Niranjan Yadav S/o Shri Dashrath Lal Yadav, Aged About 52 Years R/o Mazid Road, Post Akaltara, Tahsil Akaltara, Police Station Akaltara, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Agriculture, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Managing Director, Chhattisgarh Rajya Krishi Vipnan Mandi Board, Bilaspur Division, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Deputy Director, Chhattisgarh Rajya Krishi Vipnan Mandi Board, Bilaspur Division, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Collector, Janjgir Champa, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
5. Secretary Krishi Upaj Mandi Samiti, Akaltara, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondents

Shri Vinod Deshmukh, counsel for the petitioner/s.

Shri Manish Nigam, Panel Lawyer for the State / respondents 1 and 4 on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/03/2018

The petitioner has filed this petition aggrieved by non-consideration of his case for regularisation as employee of Krishi Upaj Mandi Samiti, Akaltara functioning under the supervision and control of the department of Cooperative Society namely C.G. Rajya Krishi Vipnan Board.

2. The grievance of the petitioner is that the petitioner has not been regularised treating him to be ineligible on the ground that he was not in continuous service from his initial date of appointment i.e. 25/01/1989.

3. Learned counsel for the petitioner submits that though the petitioner was terminated from service on 31/01/2000 which was challenged before the Labour Court, the Labour Court set aside retrenchment of the petitioner and he was reinstated in service. Relying upon decision of Division Bench of this Court in the case of *Tukaram v. State of Chhattisgarh and ors.* decided on 16/05/2017, it is submitted that once the petitioner has been reinstated in service under judicial order, the intervening period during which he remained unemployed, shall be treated as petitioner continued in service. Therefore, his case for regularisation should be considered by treating him to be continued in service since initial date of appointment i.e. 25/01/1989.

4. In view of authoritative pronouncement of law laid down by the Division Bench of this Court in the case of *Tukaram (supra)*, it is no longer *res integra* that once the employee is reinstated in service under judicial order, the period during which he remained out of employment, shall also be treated as period in service and for all legal purposes, the employee is treated to be continued in service ever since initial date of appointment without any break. Therefore, the respondents are obliged under the law to decide the claim of the petitioner by applying the principles laid down in the case of *Tukaram (supra)* treating him to be continued in service since 25/01/1989 till date. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge