

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**Writ Petition (S) No.2519 of 2018**

1. Ramesh Kumar Mohbe S/o Late Lakhan Lal Mohbe, aged about 56 years, R/o Ward No. 1, Soni Mohalla, Khairagarh, Post Khairagarh, District Rajnandgaon, Chhattisgarh.

----Petitioner**Versus**

1. State of Chhattisgarh, through:- The Secretary, Department of Panchayat & Rural, Mahanadi Bhavan, Mantralaya, New Raipur, District – Raipur, Chhattisgarh.
2. Block Development Officer (Chief Executive Officer) Janpad Panchyat, Khairagarh, Post Khairagarh, District Rajnandgaon, C.G.

---- Respondents

For petitioners	:	Shri Pankaj Agrawal, Advocate.
For respondent-State	:	Shri Dheeraj Wankhede, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22.03.2018.**

1. The grievance of the petitioner is that the petitioner has not been considered for regularization by the respondent No.2 in accordance with the circular of State Government dated 05.03.2008.
2. The contention of the counsel for the petitioner is that, he was in service with the respondent No.2 since 1987. When his services were terminated in the year 1989, he had challenged the said termination in the year 2002 before Labour Court, Rajnandgaon. The Labour Court vide order dated 20.07.2004 granted reinstatement of service with back wages except for the period 06.01.1996 to 04.01.2000. The finding of the Labour Court shows that the petitioner had in-between worked at Inder Kala Sangeet Vishvidhalaya between 06.01.1996 to 04.01.2000 and further he had been removed from service by the

said institution on 04.01.2000.

3. The counsel for the petitioner now submits that pursuant to the order of the Labour Court, his services are reinstated and he continues in employment since 2004 onward. He has completed more than 10 years of service and therefore the petitioner may be considered for regularization keeping in view the fact that the initial appointment of the petitioner was in the year 1987 and his case for regularization can be considered in the light of circular of State Government dated 05.03.2008.
4. However, the State counsel opposing the petition submits that, the petitioner had being in employment between 1996-2000. The earlier employment of the petitioner was that of a daily wager and therefore he would not be entitled for counting his period rendered prior to reinstatement for regularization.
5. Given the aforesaid facts & circumstances of the case and on perusal of record what clearly reflect is that, though the petitioner was a daily wage employee working on a particular post, his services stood discontinued in the year 1989.
6. Subsequently, he had served at a different place i.e. at the Inder Kala Sangeet Vishvidhalaya where he had worked from 16.01.1996 to 04.01.2000. The petitioner himself has stated before the Court that his services was discontinued from the said University on 04.01.2000 and it is only thereafter he had raised the dispute before the Labour Court challenging is alleged termination in the year 1989.
7. When the termination was challenged before the Labour Court the

termination was held to be illegal and set aside the same. The Labour Court also granted the relief of back wages also except for the period when the petitioner was working.

8. The fact that the petitioner has been granted back wages means it would have to be treated a period spent on duty and which will also have to be have to be treated as qualifying service for continuing his total length of service.
9. Giving the aforesaid facts and circumstances of case this Court is of the opinion that the period between the date of termination and date of reinstatement can be considered for grant of regularization. Therefore, the respondent No.2 is directed to consider this period i.e. from 1987 onwards for regularization in view of the circular of State Government dated 05.03.2008.
10. Let the respondent No.2 pass a suitable order in this regard within a period of 3 months from the date of receipt of copy of this order.
11. The Writ Petition accordingly stands disposed off.

Sd/-
(P.Sam Koshy)
Judge