

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2455 of 2018

- Rathram Patel S/o Bhagauram Patel Aged About 52 Years R/o Village Pisid, P. S. and Tahsil Kasdole, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Secretary, Water Resources Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
- Chief Engineer, Mahanadi Pariyojna, Water Resources Department, Raipur, District- Raipur, Chhattisgarh.
- Sub Divisional Officer, Balamdehi And Kantra Survey Sub Division Kasdole, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri K.P. Sahu, Advocate
For State	:	Shri Dheeraj Wankhede, Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21.03.2018

1. The petitioner is claiming regularisation on the pleadings that the petitioner was initially appointed as labour in the 1986. He was retrenched on 01.08.1994, in respect of which, a dispute arose and a reference was made to the Labour Court in the year 1995. The proceedings culminated in an award of reinstatement passed in favour of the petitioner on 03.01.2003.
2. In the matter of similarly situated employees, who were retrenched and thereafter reinstated in service, a Division Bench of this Court in WPS No.1703 of 2015 and batch of petitions, decided on 16.05.2017, authoritatively propounded the legal position that those employees who have been reinstated under an award shall be deemed to have continued in service.
3. The petitioner claimed the benefit of the said order, but his claim has been rejected by the impugned order by stating that the said order does not relate to the petitioner, which has led the petitioner to file this petition.

4. The factual matrix of the case, reflected from the authenticated documents placed on record, including the award of the Labour Court leave no manner of doubt that though the petitioner was retrenched on 01.08.1994, but later on, under the award, he was reinstated in service on 03.01.2003. Therefore, the legal position as adumbrated in the order dated 16.5.2017 passed by the Division Bench in WPS No.1703 of 2015 and batch of petitions, would become applicable to the case of the petitioner also.
5. The petitioner's case of regularisation will require consideration as if he had uninterruptedly remained in daily wage employment since his initial date of employment in 1986 till the date of his consideration.
6. Let the appropriate decision in the matter of regularisation be taken in the light of the observations made by this Court, as above, within a period of 3 months.
7. The writ petition is accordingly disposed off.

Sd/-
(P. Sam Koshy)
JUDGE