

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2465 of 2018**

- Shiv Singh S/o Laxman Singh Aged About 59 Years R/o Village Chichpol, P. O. Mohtara, P. S. And Tahsil Kasdole, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Water, Resosurces Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
2. Chief Engineer, Mahanadi Pariyojna, Water Resources Department, Raipur, District- Raipur, Chhattisgarh.
3. 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 present is a petition where the Petitioner has prayed for granting of the relief of regularisation counting the intervening period i.e. the date of termination till the order of reinstatement was passed by the Labour Court be counted as period spent on duty.
2. Perusal of the records reveal that the Petitioner was initially engaged in the year 1984 and subsequently his services were discontinued by an oral order in the year 1988.
3. The Petitioner raised an industrial dispute for the first time after about 22 years in the year 2010 before the Labour Court, Raipur. The Labour Court allowed the application on 20.02.2013 and had set aside the order of termination. The Petitioner now wants that since the order of termination has been set aside his services for the intervening period be treated as

period spent on duty for the purpose of counting the length of service for the benefit of regularisation.

4. This Court has no hesitation in holding that there is an apparent lethargic approach on the part of the Petitioner in not approaching the Labour Court promptly challenging the illegal termination order. The Petitioner slept over his right for almost 22 years and then for the first time challenged the order of termination. If the Petitioner is granted the benefit that would amount to giving premium for the said intervening period which otherwise the Petitioner would not be entitled for.
5. Looking to the entire facts and circumstances, the intervening period i.e. from the date of termination till the date of reinstatement, shall not be taken into account for counting the services. However, the previous service as well as the subsequent service would be taken into account for considering the case of the Petitioner for regularisation in accordance with rules or guidelines framed by the State Government.
6. The writ petition accordingly stand disposed of.

Sd/-
(P. Sam Koshy)
JUDGE