

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2586 of 2018

Ramkhilawan Sahu S/o Ganga Prasad Sahu Aged About 54 Years R/o Village Kharve, P. O. Kasdole, P. S. And Tahsil Kasdole, District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner

Versus

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

---- Respondents

For Petitioner	:	Shri K.P. Sahu, Advocate
For State	:	Shri Majid Ali, Dy. Govt. Advocate

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

Order On Board

26/03/2018

Heard.

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 petitioner submits that the petitioner is still continuing as daily wage employee without regularization.
3. Learned counsel for the State submits that the legal position is settled but the matter would require consideration on verification of facts.
4. The petitioner was initially appointed on 1.3.1989 as daily wage employee. He was terminated from service on 1.11.1994. This order was challenged before the Labour Court successfully, when the Labour Court passed an order of reinstatement on 22.8.2000, 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 1.3.1989.

5. 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 1.3.1989 and appropriate decision be taken within a period of three weeks from the date of receipt of copy of this order.
6. The petition is accordingly disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge