

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2893 of 2018

Radhe Shyam Sahu S/o Shri Kashi Ram Sahu Aged About 55 Years R/o Bajrang Chowk, Baighapara, Ward No. 14, Kasdol, Police Station Kasdol, District- Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner

Versus

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

---- Respondents

For Petitioner	:	Shri Rajat Agrawal, Advocate
For State	:	Shri Majid Ali, Dy. Govt. Advocate

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

Order On Board

09/04/2018

Heard.

1. The petitioner was engaged as daily wage employee in the year 1990 in the Water Resources Department. He was retrenched from service in the year 1994 which was challenged by filing an application before the Labour Court. Vide order dated 2.5.2002, an award of reinstatement without back wages was passed in favour of the petitioner. The petitioner was reinstated in service.
2. The grievance of the petitioner is that his case for regularization has not been considered till date in the light of circular dated 05.03.2008 passed by the

State Government, taking into consideration the entire period during which he remained out of employment.

3. Learned counsel for the petitioner would argue that the petitioner is entitled to count entire period of service during which he remained out of employment, consequent upon his reinstatement pursuant to award passed by the Labour Court, in view of authoritative pronouncement of the Division Bench of this Court in the case of WPS No.1703 of 2015 (Tukaram Vs. State of Chhattisgarh) and batch of petitions decided on 16.05.2017.
4. Learned counsel for the State would submit that though there is no quarrel with the legal proposition as settled by this Court in the case referred to above, the petitioner's case would require proper scrutiny upon verification of facts.
5. Considering the submission of learned counsel for the parties and taking note of the fact that till date, no decision has been taken in the case of the petitioner in the matter of his claim for regularization under circular dated 05.03.2008, the petition at this stage is disposed off with the direction to respondent to examine the petitioner's claim for regularization in accordance with the terms and conditions of circular dated 05.03.2008. While so considering case of the petitioner, the period during which the petitioner remained out of employment shall also be taken into account. That is to say, the petitioner shall be deemed to have continued in service from the initial date of appointment till date.
6. Appropriate Scrutiny Committee should complete the exercise within a period of three months from the date of receipt of copy of this order. The Chief Engineer/respondent No.2 shall issue necessary direction also for expeditious disposal of the case of the petitioner in accordance with the direction which is now being issued to the Chairman of the Scrutiny Committee.

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