

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 7374 of 2017**

Garib Singh Dhurway S/o Late Shri Bisan Singh, Aged About 54 Years Village
Saraipatera, Post And Thana Rengakhar Tahsil Bodla, District Kabirdham
Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mahanadi Bhawan,
New Mantralaya, Raipur Chhattisgarh.
2. Principale Chief Conservator Of Forest, Head Quarter Jail Road Raipur
Chhattisgarh.
3. Conservator Of Forest Durg, Circle Durg, District Durg Chhattisgarh.
4. Divisional Forest Officer Kawardha (Kabirdham) District Kabirdham Chhattisgarh.

--Respondents

For Petitioner	:	Mr. F.S. Khare, Advocate
For State	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****02.01.2018**

Heard.

1. The petitioner has filed this petition aggrieved by non-consideration of his case of regularization. It is submitted that the petitioner is working as a daily wage employee since 1989. Earlier a petition was filed before the Labour Court and the Labour Court passed an award in favour of the petitioner on 28.02.2013 but even thereafter regularization has not taken place. It is also submitted that apart from the award of the Labour Court as the legal obligation to consider the case of the petitioner for grant of regularization, the State Government's circular dated 05.03.2008 issued for compliance of the decision of the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka and others Vs. Uma Devi (3) and others, 2006 (4) SCC 1** also obliges the respondent to consider the petitioner's case for regularization under the said period.

2. Learned counsel for the State would submit that the petitioner's case for regularization would be considered in accordance with the circular dated 05.03.2008 issued in compliance of the judgment of the Hon'ble Supreme Court in the case of *Uma devi (supra)*, if not already considered.

3. The Labour Court has passed an order in favour of the petitioner on 28.02.2013 directing regularization of the petitioner. Thus, there is already adjudication in favour of the petitioner by the Labour Court. Instead of seeking execution of award, the petitioner has filed this petition.

4. In the considered opinion of this Court, once there is an award in favour of the petitioner, the petitioner did not file this petition for re-issuance of direction for consideration of his case for regularization. Therefore, this petition is disposed off leaving it open to the petitioner to seek endorsement of the award passed by the Labour Court.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Rekha