

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3227 of 2018

Surendra Singh Rajput S/o Late Shri Bansi Singh, Aged About 48 Years R/o Gram Dongari, Post Gandai, Tahsil Chuikhadan, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Forest Department, New Mantralaya, Mahanadi Bhawan, Hasaud, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Principal Chief Conservator Of Forest, Arenya Bhawan, Medical College Road, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. The Chief Conservator Of Forest, Durg Circle, Durg Chhattisgarh., District : Durg, Chhattisgarh
4. The Divisional Forest Officer, Khairagarh, Forest Division Khairagarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
5. The Forest Circle Officer, Forest Circle Gandai, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Shri A.S.Rajput, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/04/2018

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 State submits that the legal position is settled but the matter would require consideration on verification of facts.

3. The petitioner was initially appointed in the year 1994 as daily wage employee. He was later on terminated from service in the year 2000. The order of termination was challenged before the Labour Court successfully, when the Labour Court passed an order of reinstatement in the year 2009 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 ought to be considered for regularization treating him to be a daily wage employee working continuously from the year 1994.

4. The impugned order passed by the authority is clearly in the teeth of order of Division Bench and cannot be sustained and is accordingly set aside. 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 from the year 1994 and appropriate decision be taken within a period of three weeks from the date of receipt of copy of this order.

5. The petition is accordingly allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge