

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3264 of 2018

Shri Shankar S/o Shiv Prasad Patel, Aged About 42 Years R/o
Village Bhaji, Dongari, Post Salhewar, District Rajnandgaon
Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. The 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 : Mr. A. S. Rajput, Advocate.

For State : Mr. Ramakant Mishra, Dy. AG

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

01/05/2018

1. Learned counsel for the petitioner submits that the Division Bench
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 1992 as daily wage employee. He was terminated from service in the year 2000. This order was challenged before the Labour court successfully, when the Labour Court passed an order of reinstatement on 29.09.2009, 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 1992.

4. 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 1992 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