

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3279 of 2018

Chowaram S/o Jagnu Marar Aged About 45 Years R/o Village
Aamgaon, Police Station Salhewara, Tehsil 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 : Mr. A. S. Rajput, Advocate.

For State : Mr. Majid Ali, Dy. GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

25/04/2018

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 on 02.05.1993 as daily wage employee. He was terminated from service on 30th July 2012. This order was challenged before the Labour court successfully, when the Labour Court passed an order of reinstatement on 26.11.2012, 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 02.05.1993.

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 02.05.1993 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