

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3425 of 2018

Janakram Patel S/o Veer Singh Patel Aged About 52 Years R/o
Village And Post Hatoud , Tahsil Kasdole , District Balodabazar
Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara,
Chhattisgarh

---- Petitioner

Versus

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

---- Respondents

For Petitioner : Mr. K. P. Sahu, Advocate.

For State : Mr. Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

01/05/2018

1. The petitioner is claiming regularisation on the pleadings that the petitioner was initially appointed as Daily Wage Chowkidar in the year 1984. He was retrenched in the year 1994, in respect of which, a dispute arose and a reference was made to the Labour Court. The proceedings culminated in an award of reinstatement passed in favour of the petitioner on 29.08.2012.

2. In the matter of similarly situated employees, who were retrenched and thereafter reinstated in service, a Division Bench of this Court in WPS No.1703 of 2015 and batch of petitions, decided on 16.5.2017, authoritatively propounded the legal position that those employees who

have been reinstated under an award shall be deemed to have continued in service.

3. The petitioner claimed the benefit of the said order, but his claim has been rejected by the impugned order by stating that the said order does not relate to the petitioner, which has led the petitioner to file this petition.

4. The factual matrix of the case, reflected from the authenticated documents placed on record, including the award of the Labour Court leave no manner of doubt that though the petitioner was retrenched in the year 1994, but later on, under the award, he was reinstated in service on 29.08.2012. Therefore, the legal position as adumbrated in the order dated 16.5.2017 passed by the Division Bench in WPS No.1703 of 2015 and batch of petitions, would become applicable to the case of the petitioner also.

5. The petitioner's case of regularisation will require consideration as if he had uninterruptedly remained in daily wage employment since his initial date of employment in 1984 till the date of his consideration.

6. Let the appropriate decision in the matter of regularisation be taken in the light of the observations made by this Court, as above, within a period of 3 months.

7. The writ petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)

Judge