

NAFRHIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No. 4012 of 2018

1. Nilamber S/o Khedu Teli, Aged About 47 Years Village - Mudhipar, Tahsil - Khairagarh District Rajnandgaon Chhattisgarh.
2. Shyam Singh S/o Jaghru Gond Aged About 48 Years Village - Mudhipar, Tahsil - Khairagarh, District Rajnandgaon Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Water Resources, Mahanadi Bhawan, New Mantralaya, Raipur Chhattisgarh.
2. Engineer In Chief Water Resources Department, Mantralay Mahanadi Bhawan, District New Raipur Chhattisgarh.
3. Executive Engineer, Water Resource Department Chhuikhadan District Rajnandgaon Chhattisgarh.

---- Respondents

For Petitioners : Shri F.S. Khare, Advocate.

For Respondents : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board18.06.2018

Heard.

1. The petitioners were engaged as daily wage employees on 03.05.1990 in the Water Resources Department. They were retrenched from service on 04.06.2004 which was challenged by filing an application before the Labour Court. Vide order dated 05.12.2011 an award of reinstatement without back wages was passed in favour of the petitioners. The petitioners were reinstated in service.

2. The grievance of the petitioners is that their case for regularization has not been considered, till date in the light of circular dated 05.03.2008 passed by the State Government, taking into consideration the entire period during which he remained out of employment.
3. Learned counsel for the petitioners would argue that the petitioners are entitled to count entire period of service during which they remained out of employment, consequent upon their reinstatement pursuant to award passed by the Labour Court, in view of authoritative pronouncement of the Division Bench of this Court in the case of WPS No.1703 of 2015 (Tukaram Vs. State of Chhattisgarh) and batch of petitions decided on 16.05.2017.
4. Learned counsel for the State would submit that though there is no quarrel with the legal proposition as settled by this Court in the case referred to above, the petitioners' case would require proper scrutiny upon verification of facts.
5. Considering the submission of learned counsel for the parties and taking note of the fact that till date no decision has been taken in the case of the petitioners in the matter of their claim for regularization under circular dated 05.03.2008, the petition at this stage is disposed off with the direction to respondent to examine the petitioners' claim for regularization in accordance with the terms and conditions of circular dated 05.03.2008. While so considering case of the petitioners, the period during which the petitioners remained out of employment shall also be taken into account. That is to say, the petitioners shall be deemed to have continued in service from the initial date of appointment till date.
6. Appropriate Scrutiny Committee should complete the exercise within the period of three months from the date of receipt of copy of this

order. The Chief Conservator of Forest shall issue necessary direction also for expeditious disposal of the case of the petitioners in accordance with the direction which is now being issued to the Chairman of the Scrutiny Committee.

Sd/-

(Sharad Kumar Gupta)
JUDGE