

NAFRHIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No. 4033 of 2018

- Mansingh Dhiwar S/o Late Shri Guhri Ram Dhiwar, Aged About 48 Years R/o Village Sikola Basti, Ward No. 16, Durg, Post And Tahsil - Durg, District Durg Chhattisgarh. (Wrongly Mentioned As Nishad In Order Of Labour Court.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mahanadi Bhawan, New Mantralaya, Raipur Chhattisgarh.
2. Principle Chief Conservator Of Forest, Head Quarter Jail Road Raipur Chhattisgarh.
3. Chief Conservator Of Forest Raipur, Circle Raipur, Jail Road Raipur District Raipur Chhattisgarh.
4. Divisional Forest Officer Durg, Division Durg District Durg Chhattisgarh.

---- Respondents

For Petitioner : 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 petitioner was engaged as daily wage employee in the year 1986 in the Forest Department. He was retrenched from service on 29.02.2000 which was challenged by filing an application before the Labour Court. Vide order dated 04.03.2015 an award of reinstatement without back wages was passed in favour of the petitioner. The

petitioner was reinstated in service.

2. The grievance of the petitioner is that his 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 petitioner would argue that the petitioner is entitled to count entire period of service during which he remained out of employment, consequent upon his 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 petitioner's 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 petitioner in the matter of his 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 petitioner's claim for regularization in accordance with the terms and conditions of circular dated 05.03.2008. While so considering case of the petitioner, the period during which the petitioner remained out of employment shall also be taken into account. That is to say, the petitioner 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 petitioner in accordance with the direction which is now being issued to the Chairman of the Scrutiny Committee.

Sd/-

(Sharad Kumar Gupta)
JUDGE