

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 4241 of 2018

- Sukhpal Singh S/o Parmanand Kanwar, Aged About 56 Years R/o Village Chichpol, Post Office Mohtara, Tahsil Kasdole, District Balodabazar Bhatapara Chhattisgarh.

---- Petitioner

Versus

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

---- Respondents

For Petitioner : Shri K.P. Sahu , Advocate

For Respondents : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

04.07.2018

1. The present is a petition where the Petitioner has prayed for granting of the relief of regularisation counting the intervening period i.e. the date of termination till the order of reinstatement was passed by the Labour Court be counted as period spent on duty.
2. Perusal of the records reveal that the Petitioner was initially engaged in the year 1984 and subsequently his services were discontinued by an oral order in the year 1988.
3. The Petitioner raised an industrial dispute for the first time after

about 22 years in the year 2010 before the Labour Court, Raipur. The Labour Court allowed the application on 19.02.2013 and had set aside the order of termination. The Petitioner now wants that since the order of termination has been set aside his services for the intervening period be treated as period spent on duty for the purpose of counting the length of service for the benefit of regularisation.

4. This Court has no hesitation in holding that there is an apparent lethargic approach on the part of the Petitioner in not approaching the Labour Court promptly challenging the illegal termination order. The Petitioner slept over his right for almost 22 years and then for the first time challenged the order of termination. If the Petitioner is granted the benefit that would amount to giving premium for the said intervening period which otherwise the Petitioner would not be entitled for.
5. Looking to the entire facts and circumstances, the intervening period i.e. from the date of termination till the date of reinstatement, shall not be taken into account for counting the services. However, the previous service as well as the subsequent service would be taken into account for considering the case of the Petitioner for regularisation in accordance with rules or guidelines framed by the State Government.
6. The writ petition accordingly stand disposed of.

Sd/-

(Sharad Kumar Gupta)
JUDGE