

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5184 of 2018**

1. Annuram S/o Lakhan, Aged About 58 Years, Chhattisgarh PWD Mazdoor Sangh Durg, Through Yashwant Sahu, Secretary, Chhattisgarh PWD Mazdoor Sangh Banspara, Durg, Chhattisgarh
2. Hemrai Dewangan S/o Gaddev, Aged About 57 Years, Chhattisgarh PWD Mazdoor Sangh Durg, through Yashwant Sahu, Secretary, Chhattisgarh PWD Mazdoor Sangh Banspara, Durg, Chhattisgarh
3. Smt. Pushpa Bai D/o Bhaisakhu, Aged About 60 Years, Chhattisgarh PWD Mazdoor Sangh Durg, Through Yashwant Sahu, Secretary, Chhattisgarh PWD Mazdoor Sangh Banspara, Durg, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Public Work Department, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Engineer-In-Chief, Public Works Department, Shirpur Bhawan, Raipur, Chhattisgarh
3. Chief Engineer, Public Works Department, Raipur Range, Raipur, Chhattisgarh
4. Superintending Engineer, Public Works Department, Durg Division, Durg, Chhattisgarh
5. Executive Engineer, Public Works Department (Bha/sa) Division Durg, District Durg, Chhattisgarh
6. Sub-Divisional Officer, Public Works Department, (Bha/sa) Sub-Division No.1, Durg, District Durg, Chhattisgarh
7. Sub-Divisional Officer, Public Works Department (Bha/sa) Sub-Division Patan, District Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Shri R. K. Pali, Advocate
For State	:	Shri R. K. Gupta, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

13.08.2018

The relief sought for by the petitioners in this writ petition is for a direction to the respondents to consider the case of the petitioners for regularization in the light of the circular of the State Govt. dated 05.03.2008.

2. According to the petitioners, they were working with the respondents since 1984 onwards and in between, their services were discontinued by the respondents which was challenged before the Labour Court and there was an order of reinstatement in favour of the petitioners. The said order of the Labour Court has attained finality as the subsequent two appeals filed by the State Govt. before the Industrial Court as well as before the High Court stood dismissed. The writ petition filed in the High Court by the State Govt. i.e. WP No. 1154 of 2004 stood dismissed on 27.06.2017.

3. In the light of the decision of the Division Bench of this Court in the case of Tukaram Vs. State of Chhattisgarh and others in WPS No. 1703/2015 and other analogous petitions decided on 16.05.2017, the intervening period i.e. from the date of illegal discontinuance till the date of reinstatement, for all practical purposes has to be counted as the period spent on duty. In the light of the aforesaid decision of the Division Bench of this Court in the case of Tukaram (supra), the case of the present petitioners also has to be considered and an appropriate decision has to be

passed.

4. On an earlier occasion the claim of the petitioners was rejected on 27.01.2009 citing that the writ petition of the State was pending consideration before the High Court. Now that the said writ petition has also been dismissed vide order dated 27.06.2017 and therefore, the only recourse left for the respondents State is to consider the claim of the petitioners for regularization in the light of the circular dated 05.03.2008.

5. Accordingly, let the respondents take an appropriate decision in this regard at the earliest preferably within a period of 90 days from the date of receipt of certified copy of this order.

**Sd/-
P. Sam Koshy
Judge**