

**HIGH COURT OF CHHATTISGARH, BILASPUR****WRIT PETITION (S) NO.7069 OF 2018**

Arun Kumar Pandey S/o Damru Prasad Pandey Aged About 39 Years R/o Irrigation Colony, Darri, PS Darri, Tahsil Katghora, District- Korba, Chhattisgarh.

**...Petitioner(s)**

**Versus**

1. State of Chhattisgarh Through The Secretary, Department Of Water Resources Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District- Raipur, Chhattisgarh.
2. Chief Engineer Hasdeo Barrage Water Management Division, Rampur, Korba, Chhattisgarh., District : Korba, Chhattisgarh
3. Executive Engineer Hasdeo Barrange Water Management Division, Rampur, Korba, Chhattisgarh., District : Korba, Chhattisgarh
4. Sub Divisional Officer Hasdeo Barrage Water Management Sub Division, Darri, Ps Darri, Tahsil Katghora, District- Korba, Chhattisgarh.

**... Respondent(s)**

|                      |   |                                     |
|----------------------|---|-------------------------------------|
| For Petitioner       | : | Shri BD Guru, Advocate.             |
| For Respondent-State | : | Shri SP Kale, Dy. Advocate General. |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**26.10.2018**

1. Heard.
2. Grievance of the petitioner, as ventilated through this petition is that even though the petitioner is continuing as daily wage employee since long, his claim for regularization has not been decided till date. It is submitted that though the petitioner was terminated in the year 1995, award of reinstatement was passed in his favour by the Labour Court in the year 2013 with the legal consequence that the petitioner shall be deemed to be in service from the initial date of appointment in the year 1989.
3. If the case of the petitioner is considered treating her initial date of appointment as in the year 1989, he would be entitled to be considered for regularization under circular dated 05/03/2008 issued for consideration of cases of regularization pursuant to direction of the Supreme Court in the case of Secretary, State of Karnataka and others Vs. Uma Devi (3) and others, 2006 (4) SCC 1 for consideration of cases of those, who have completed 20 years of service.

4. After going through the records and orders passed by the Labour Court, it is quite clear that the effect of the order would be that the petitioner shall be deemed to be in service without any break. This would entitle the petitioner for due consideration for regularization under circular dated 05/03/2008. It is ordered accordingly.
5. Let the case of the petitioner be considered by a duly constituted Committee as per policy dated 05/03/2008 and a decision be taken within an outer limit of three months from the date of receipt of copy of this order.

Sd/-

(P. Sam Koshy  
**Judge**