

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 7094 of 2018**

Komal Prasad Jaiswal S/o Nidan Prasad Jaiswal, Aged About 52 Years, R/o Irrigation Colony, Darri, Police Station Darri, Tahsil Katghora, District Korba, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources, Mahanadi Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Chief Engineer, Water Resources Department, Bilaspur, Chhattisgarh
3. Executive Engineer, Hasdeo Barrage Water Management Division, Rampur, 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 S. S. Baghel, Advocate.
For Respondent-State	:	Shri D. Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27.10.2018

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 1990.

3. If the case of the petitioner is considered treating his initial date of appointment as in the year 1990, 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