

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.(S) No. 7273 of 2018**

Rajeshwar Kumar Sahu, S/o. Shri Bahiaya Ram Sahu, Aged About 50 Years, R/o. Irrigation Colony, Old Labour Market, Near Madwarani Temple, Rampur, Police Station Rampur, District Korba, Chhattisgarh.

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh, Through Secretary, Department Of Water Resources, Mantralaya, Naya Raipur, Raipur, Chhattisgarh.
2. Executive Engineer, Hasdeo Barrage Water Resources Department, Division No. 2, District Korba, Chhattisgarh.
3. Sub Divisional Officer, R.B.C. Hasdeo Barrage Water Resources Department, Division No.2, District Korba, Chhattisgarh.

---- **Respondents**

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For Petitioner : Mr. K.P.S.Gandhi, Advocate

For Respondent : Mr. Syed Majid Ali, Dy. Govt. Advocate  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**02.11.2018**

Heard

1. It is contended on behalf of the petitioner that though he is entitled to be considered for regularization as per the circular/ policy of the State Government dated 05.03.2008 but the case of the petitioner has not been considered till date. It is further stated that the petitioner was initially appointed on 01.08.1989 and he was terminated on 28.02.1995. The said termination was subject of challenge before the Labour Court and the Labour Court vide order dated 28.01.2011 has reinstated the petitioner in service, thereby his services were continued without any break so as to get the benefit of regularization pursuant to the circular dated 05.03.2008.

2. Learned Dy. Govt. Advocate appearing for the respondent/ State submits that only those persons are entitled to be regularized who fulfilled the requirement of condition mentioned in the circular of the State Government dated 05.03.2008.
3. Perused the documents connected to this petition. It appears that the petitioner was appointed on 01.08.1889 and his services was discontinued on 28.02.1995; therefore, it was subject of challenge before the Labour Court and the Labour Court vide order dated 28.01.2011 has reinstated the petitioner. The said reinstatement was subject of Writ Petition and further subject of Writ Appeal No.582 of 2015 and the reinstatement was affirmed, thereby the continuation in the service remained without any break.
4. Considering the issue, without any further observation on merit, the petition is disposed of with a direction to the respondents to consider the claim of the petitioner in light of the circular of the State Government dated 05.03.2008 and judgment of the Supreme Court in the matter of **Secretary, State of Karnataka & Others v. Umadevi & Others** reported in **2006 (4) SCC 1** and take a decision on the claim of the petitioner as early as possible preferably within a period of four months from the date of receipt of a copy of this order. No order as to costs.

Sd/-  
(Goutam Bhaduri)  
Judge