

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.7386 OF 2018**

1. Smt. Anand Kunwar D/o Late Ghasiyaram Aged About 52 Years (W/o Late Sukhnandan), Working As Mazdoor At Hasdeo Barrage Water Management Sub Division Darri (Wrd), District Korba Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through Its Secretary, Water Resources Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Chief Engineer Minimata Hasdeo Bango Project, Water Resources Department, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Executive Engineer Hasdeo Barrage Water Management Division Rampur/ Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
4. Sub Divisional Officer Hasdeo Barrage Water Management, Sub Division Darri (Wrd), District Korba Chhattisgarh., District : Korba, Chhattisgarh

... Respondent(s)

For Petitioner	:	Shri Vinod Deshmukh, Advocate.
For Respondent-State	:	Shri Chandresh Shrivastava, PL.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12.11.2018**

1. The grievance of the petitioner is that though the petitioner was appointed as daily wage employee in the year 1990, his services were terminated in the year 1995, against which, the petitioner approached Labour Court and an order of reinstatement was passed in his favour on 26.08.2014. In the meantime, number of daily wage employees have been considered and granted regularization as per circular dated 05.03.2008 promulgated by the State Government to consider cases of daily wage eligible employees for regularization as one time measure in compliance of the judgment of the Supreme Court in the case of Secretary, State of Karnataka & Ors. Vs. Umadevi (3) and others, 2006 (4) SCC 1.
2. Learned counsel for the petitioner submits that the respondents have considered cases of regularization of those employees who have been

reinstated under an order of the Labour Court notwithstanding the pendency of the writ petition against the order of award at the instance of respondents, before this Court.

3. The facts pleaded in the petition and the orders of the Labour Court placed on record do show that the petitioner was terminated in the year 1995. Under award of the Labour Court, he has been directed to be reinstated, therefore, he shall be deemed to continue in service as held by the Division Bench of this Court in the case of Tukaram Vs. State of Chhattisgarh in WPS No.1703 of 2015 and batch of petitions decided vide common order dated 16.05.2017. Therefore, in these circumstances and further taking into consideration that this Court has already disposed off similar cases for consideration, the respondents are directed to consider petitioner's claim for regularization strictly in accordance with the policy contained in circular dated 05.03.2008 promulgated by the State Government for consideration of eligible daily wage employees for regularization as one time measure in compliance of the judgment of the Supreme Court in the case of Umadevi (supra). This exercise shall be completed within a period of three months from the date of receipt of copy of this order.
4. It is also stated that against the award of the Labour Court, a petition has been filed before this Court which is still pending. However, it is submitted that the said award has not been stayed. It goes without saying that regularization if any done by the respondents, would be subject to the outcome of the pending writ petition filed by the State Government.
5. With the aforesaid observation/direction, the petition is disposed off.

Sd/-
(P. Sam Koshy)
Judge