

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 7127 OF 2018**

Smt. Fekin Bai D/o late Heeraram (W/o Shriram), aged about 50 years, working as Mazdoor at Hasdeo Barrage Water Management Sub Division Darri (WRD), District Korba (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through its Secretary, Water Resources Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur (CG)
2. Chief Engineer, Minimata Hasdeo Bango Project, Water Resources Department, District Bilaspur (CG)
3. Executive Engineer, Hasdeo Barrage Water Management Division, Rampur/Korba, District Korba (CG)
4. Sub Divisional Officer, Hasdeo Barrage Water Management, Sub Division Darri (WRD), District Korba (CG)

... Respondents

Mr. Vinod Deshmukh, Advocate, for the Petitioner.

Mr. D. Wankhede, Govt. Advocate, for Respondent-State.

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

29/10/2018

1. The grievance of the petitioner is that though the petitioner was appointed as daily wage employee in the year 1990, her services were terminated in the year 1995, against which the petitioner approached the Labour Court and an order of reinstatement was passed in her favour on 26.8.2014. In the meantime, number of daily wage employees have been considered and granted regularization as per circular dated 5.3.2008 promulgated by the State Government to consider the cases of daily wage

eligible employees for regularization as one time measure in compliance of the judgment of the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka and Others v. Umadevi (3) and Others, 2006 (4) SCC 1**.

2. Learned counsel for the petitioner submits that the respondents have considered the 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 the respondents before this Court.

3. From the record, it appears that the order of the Labour Court dated 26.8.2014 passed in favour of the petitioner is already under challenge in a writ petition pending before this Court, i.e., W.P.L. No. 14/2015.

4. Contention of the counsel for the petitioner is that only because of the pendency of the writ petition, the claim of regularization is not being considered by the respondents. He further submits that pursuant to the order passed by the Labour Court, the petitioner has been reinstated in service and is continuing in service for quite some time now.

5. Given the said fact and without expressing any opinion on the merits of the case so far as the entitlement of the petitioner is concerned, the respondents are directed to consider the claim of the petitioner for regularization in accordance with the circulars, guidelines and decisions of this Court in the case **Tukaram v. State of Chhattisgarh** in **W.P.S. No. 1703/2015** decided on **16.5.2017** and the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka and Others v. Umadevi (3) and Others, 2006 (4) SCC 1**, and appropriate order be passed at the earliest preferably within a period of four months from the date of receipt of certified copy of this order.

6. While passing the order, the authority would keep in mind the fact that the petitioner had worked for 4 years from 1990 to 1995 and subsequent to the order of the Labour Court she was reinstated only in 2017 and that the writ petition challenging the award of the Labour Court is already pending consideration before this Court vide WPL No. 14/2015.

7. Accordingly, the authority concerned would consider the case of the petitioner in the light of the observations made in the preceding paragraphs. With the aforesaid observation/direction, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Khatai