

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7218 of 2018**

- Harprasad Jaiswal S/o Shri Tannu Ram Jaiswal, aged about 43 years, R/o Village- Harethi, Post- Portha, Tahsil- Sakti, Police Station- Sakti, District- Janjgir-Champa (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary Department of Forest, Mantralaya, Naya Raipur, Raipur (Chhattisgarh)
2. Chief Conservator of Forest Aranya Bhawan, North Block, Sector-19, Atal Nagar, District- Raipur (Chhattisgarh)
3. Divisional Forest Officer, Forest Division- Champa, District- Janjgir-Champa (Chhattisgarh)
4. Forest Range Officer, Forest Range- Sakti, District- Janjgir-Champa (Chhattisgarh)

---- Respondents

For Petitioner : Shri Lav Sharma, Advocate

For Respondents/State : Shri Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14.11.2018**

1. The relief sought for by the petitioner in present case is for a direction to the respondents to consider the claim of the petitioner for regularization in accordance with circular dated 05.03.2008.
2. The fact of the case is that the petitioner was initially appointed with the Respondents in the year 1994 and he is continuing as daily wage employee. Meanwhile, his services had been terminated. The petitioner raised his grievance before Industrial Dispute, Labour Court as Case No. 34/IDA/2012 (Re.). The Labor Court vide its award dated 22.03.2014 answered the dispute in favour of the petitioner holding that his termination in

the year 2000 is illegal and order of reinstatement of service without back wages. While passing the order, the Labour Court has given a specific finding that the intervening period from the date of service till reinstatement would be treated as continuing service for the purpose of counting the length of service. According to the petitioner, consequences of the award of the Labour Court has to be presumed having continued right from 1994 onwards. It was further contended that the petitioner's case has been treated as continuous since 1994 and he is entitled for being considered for regularization as per circular dated 05.03.2008 issued by the State Government pursuant to the judgment of the Supreme Court in the case of Secretary, State of Karnataka and Others Vs. Uma Devi (3) and Others, 2006 (4) SCC 1.

3. Giving the facts and circumstances of the case, particularly taking note of the fact that award of the Labour Court passed in the year 2014 was not challenged before the High Court and by efflux of time has attained finality, the petitioner has to be treated in service without any break since 1994. As such, he is entitled to be considered for regularization in accordance with circular dated 05.03.2008. It is ordered accordingly.

4. Let the case of the petitioner be considered by department 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