

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7441 of 2018**

- Ramkhilawan Sahu S/o Shri Banshidas Sahu, aged about 47 years, R/o Mona Screen Printers, Mohan Takies Road, Jamnipali, Police Station- Jamnipali, Korba, District Korba (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through- Secretary, Department of Water Resources, Mantralaya, Naya Raipur, Raipur (Chhattisgarh)
2. Chief Engineer, Minimata (Hasdeo) Bango Project, District- Bilaspur (Chhattisgarh)
3. Executive Engineer, Minimata Bango Dam, Division no. 3, Machadoli, District- Korba (Chhattisgarh)

---- Respondents

For Petitioner : Shri Lav Sharma, Advocate

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

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

1. The prayer of the petitioner in the present writ petition is for grant of regularization on the basis of circular dated 05.03.2008.

2. The fact of the case is that the petitioner in the present case was initially appointed in the year 1986 and his services were terminated in the year 1988. Thereafter, he raised the dispute before the Labour Court under the provisions of the Industrial Dispute Act after more than 21 years and he got an award in his favour on 14.06.2011 whereby the petitioner was got benefit of reinstatement without back wages. By virtue of the award of Labour Court, the petitioner seeks continuity an employment and also seeks direction to the respondents to consider the case of the petitioner for regularization.

3. There does not appear to be any strong material produced by the petitioner in respect of 21 years of gap that took place in raising the dispute

from the date of termination. Though there is an order of reinstatement, however, there is no order passed by the Labour Court granting continuity of service, it cannot be forgotten that the substantive status of the petitioner was that of the daily wage employee and as such there is no indefeasible right created in favour of the petitioner. There is an order of reinstatement passed in his favour by the Labour Court and after which he has been reinstated.

4. Further counsel for the petitioner submits that pursuant to the order of Labour Court, the petitioner has been reinstated in service and he is continuously working with the respondents as daily wage employee since then.

5. Given the facts and circumstances of the case, particularly taking note of this fact that there is an order of reinstatement in favour of the petitioner and the fact that on an earlier occasion the petitioner had worked from May 1986 to October 1988, the respondents may consider the case of the petitioner taking into consideration the total length of service rendered by the petitioner i.e. the period before termination as well as the subsequent period after reinstatement and in case, the petitioner is entitled any benefit in accordance with circular dated 05.03.2008, the same may be extended to the petitioner at the earliest.

6. In view of the aforesaid directions, the writ petition stands disposed of.

Sd/-

(P. Sam Koshy)
Judge