

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 7878 of 2018

Chhabiram Yadav S/o Shri Alen Yadav, Aged About 48 Years, R/o Village Bhelwadih, Post Uparwara, Thana Rakhi, Tahsil Abhanpur, District - Raipur Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Forest, Mahanadi Bhawan, New Mantralaya, Raipur, Chhattisgarh.
2. Principal, Chief Conservator Of Forest, Head Quarter, Jail Road, Raipur, Chhattisgarh.
3. Chief Conservator Of Forest, Raipur Circle, Raipur, District - Raipur Chhattisgarh.
4. Divisional Forest Officer, Samanya Van Mandal, Raipur, District - Raipur, Chhattisgarh.

---Respondents

For petitioner	:	Shri F.S.Khare, Advocate.
For State	:	Shri S.P.Kale, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/12/2018

1. The claim of the petitioner in the instant Writ Petition is that, the petitioner is in service with the respondents right from the year 1987 onwards and till date the petitioner has not been considered for regularization in terms of the circular of the State Government dated 05/03/2008.

2. The counsel for the petitioner submits that, in between, the services of the petitioner was terminated on 17/05/1993, but the said discontinuance was challenged before the Labour Court, Durg vide case No. 63/ID

Act/REF/94 and where the Labour Court vide its award dated 17/01/2001 has set-aside the illegal termination and have ordered for reinstatement without backwages. The petitioner has thereafter being reinstated in service.

3. It is said that the award of the Labour Court has also not been challenged and as such in the light of the judgment passed by the Division Bench of this Court in the case of **Tukaram Sahu v. State of C.G. & Other connected matters [WPS No. 1703 of 2015 d/on 16/05/2017]** the petitioner has deemed to be in a continuous service from 1987 till today and his case would squarely come within the ambit of the conditions stipulated in the circular dated 05/03/2008.

4. The State counsel however opposing the petition submits that, since the case of the petitioner has not been scrutinized by the Committee in the department, let the matter be sent to the department for consideration in accordance with law.

5. Given the aforesaid facts and circumstances of the case and the submissions made by the State counsel, the Writ Petition stands disposed off with a direction to the respondents to consider the case of the petitioner in the light of the circular dated 05/03/2008, as also the judgment passed by the division Bench of this Court in the case of Tukaram (Supra).

6. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE