NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8293 of 2018

Dwarika Ram Bandhe S/o Late Shri Pusau Ram Bandhe Aged About 51 Years R/o Village Borid, P. S. And Post Fingeshwar, Tahsil Rajim District Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Petitioner

Versus

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

---- Respondents

For petitioner : Shri F. S. Khare, Advocate.
For State : Shri Majid Ali, Dy. GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/12/2018

1. The prayer of the petitioner in the present writ petition is for a direction to the respondents to consider the case of the petitioner for regularization.

2. The facts of the case are that the petitioner was initially appointed as daily wage employee in the year 1997. He continued to serve the Department till 2000 when his services were discontinued. The discontinuance was immediately challenged by way of Industrial Disputes Act and the matter was referred to the Labour Court in the year 2000 itself. The Labour Court initially rejected claim of the petitioner vide order dated 10.10.2013. The said order was subjected to challenge before the High Court in WP No. 526 of 2004. The High Court vide order dated 31.10.2013 set aside the order of the Labour Court and remitted the matter to the Labour Court for considering the same afresh. During the course of hearing before the Labour Court, the worker entered appearance before the

Labour Court and stated that he has since been working with the Department, he does not intend to further pursue with the reference case and accordingly the reference case was closed.

3. Contention of the counsel for the petitioner is that the services rendered by the petitioner would would reveal that the petitioner had served more than 10 years and therefore his case may be considered by the Department for regularization as per the circular dated 05.03.2008.

4. State counsel submits that let the matter be scrutinized by the Authorities in the Department in accordance with the circulars applicable regarding regularization and an appropriate order shall be passed in accordance with the rules.

5. Given the facts and circumstances of the case, let the authorities in the Department consider the claim of the petitioner for regularization and decide the same in accordance with the circular dated 05.03.2008 and all subsequent circulars in this regard and an appropriate order be passed within a period of 4 months from the date of receipt of copy of this order.

6. With the aforesaid observation, the Writ Petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Rohit