

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 136 of 2019

1. Faguram Sahu S/o Shri Thanwar Sahu Aged About 51 Years Occupation - Service - Labor Working With Sub Division No. 1, Water Resources Department, Raipur, R/o Village - Kosrangi, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Prem Lal Dewangan S/o Shri Makhan Lal Dewangan Aged About 58 Years Occupation - Service - Labor Working With Sub Division No. 02, Water Resources Department, Raipur, R/o Shivnagar, Khamarih, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Milan Sahu S/o Shri Bhagiram Sahu Aged About 52 Years Occupation - Service - Labor Working With Sub Division No. 1, Water Resources Department, Raipur, R/o Village - Kosrangi, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Rama Yadav S/o Shri Makhan Yadav Aged About 52 Years Occupation - Service - Labor Working With Sub Division No. 1, Water Resources Department, Raipur, R/o Village - Kosrangi, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
5. Preetam Soni S/o Shri Marijkad Soni Aged About 45 Years Occupation - Service - Labor Working With Sub Division No. 02, Water Resources Department, Raipur, R/o Indrapast Colony, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
6. Prem Lal Yadav S/o Shri Mansaram Aged About 53 Years Occupation - Service - Labor Working With Sub Division No. 02, Water Resources Department, Raipur, R/o New Krishna Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
7. Assi Ram Dewangan S/o Shri Purruram Dewangan Aged About 55 Years Occupation - Service - Labor Working With Sub Division No. 02, Water Resources Department, Raipur, R/o Bhim Nagar Amarpuri, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
8. Domaar Sahu S/o Shri Kartik Ram Sahu Aged About 51 Years Occupation - Service - Labor Working With Sub Division No. 1, Water Resources Department, Raipur, R/o Village - Kosrangi, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
9. Bissauha Dhiwar S/o Shri Dukhram Dhiwar Aged About 52 Years Occupation - Service - Labor Working With Sub Division No. 1, Water Resources Department, Raipur, R/o Village - Kosrangi, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
10. Bisan Dhiwar S/o Shri Dukhram Dhiwar Aged About 53 Years Occupation - Service - Labor Working With Sub Division No. 1, Water Resources Department, Raipur, R/o Village - Kosrangi, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

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Versus

1. State Of Chhattisgarh Through Secretary, Department Of Water Resources, Mahanadi Bhawan, Mantralaya, Naya Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Executive Engineer Water Resources Division, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

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For petitioner	:	Shri Vinay Pandey, Advocate.
For State	:	Shri Rahul Mishra, Dy. GA

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

10/01/2019

1. The grievance of the petitioners in the present writ petition is that the petitioner before approaching this Court have been working with the respondents between 1986 to 1990 onwards.
2. According to the petitioners these petitioners initially appointed between 1986 to 1990 as Daily Wage Worker. However, later on the services of the petitioners stood discontinued. The discontinuance was immediately challenged before the concerned labour Court and the labour Court in each of the case passed an order of reinstatement holding that the discontinuance was bad in law. Petitioners also contended that pursuant to the order of labour Court, award of the labour Court was challenged by the respondents before the High Court and in each of the case writ petition of the State Government was dismissed. Meanwhile, all the petitioners pursuant to the order of labour Court stood reinstated and they are still in continuous service. According to the petitioner taking into consideration the judgment of the Division Bench by this Court in the case of **Tukaram Vs. State of Chhattisgarh, WPS 1703/2018 decided on 16/05/2017**. Service of the petitioners has to be treated as continuous service from the date of their initial engagement as Daily Wage Employee and respondents may consider the case of the petitioners for regularization. Counsel for the petitioner at this juncture submits that as far as petitioner No. 5 is concerned he too worked as daily wage employee and labour Court also passed an order in his favour and reinstatement order is challenged by the State Government before the High Court vide WP No. 2024/2002 which too stands rejected, however copy of the same could not be enclosed with the present writ petition

3. Except in the case of petitioner No. 5, counsel for the respondent does not dispute the factual aspect so far as the employment and engagement and the order passed by the labour Court in the case of other petitioners are concerned.

4. Given the aforesaid facts and circumstances of the case and also taking note of the fact that petitioners have by now put in about more than 2 decades of service with the respondents, let the case of the petitioners be considered for regularization in accordance with the circular dated 05/03/2008 and also the judgment of Division Bench of this Court in the case of Tukaram(Supra). While doing so, it should be ensured by the respondents that due verification of the facts and records are done so far as the eligibility and entitlement of the petitioners are concerned. Let this exercise be completed within a period of three months from the date of receipt of copy of this order.

5. Accordingly, the writ petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Rohit