

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 314 of 2019**

Jaysing Nayak, S/o Late Nandu Nayak, Aged About 54 Years, Working As Sub Engineer At Office Of Executive Engineer, Public Works Department (B/R), Mahasamund, District Mahasamund Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through The Secretary, Public Works Department, Mahanadi Bhawan, Atal Nagar Raipur, Chhattisgarh
2. Engineer In Chief, Public Works Department, Sector 19, Nirmand Bhawan, New Raipur Chhattisgarh.
3. Executive Engineer, Public Works Department (B/R), Mahasamund, District Mahasamund Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Ms. Sunita Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/01/2019**

1. With the consent of the parties, the matter is taken up for hearing finally.
2. Learned counsel appearing for the petitioner submits that the petitioner was initially appointed as Sub Engineer on daily wage basis on 03.12.1987 against the vacant post. The services of the petitioner were continued with artificial break of two or three days in service and he worked continuously till the date of his regularization. The petitioner was given the benefits of annual increments.
3. The similarly situated employees have approached the State Administrative Tribunal (for short ("SAT")) in ***Original Application***

No. 1979/91 (Satish Kumar Mandloi Vs. State of M.P. And another) praying for similar relief as sought for in this petition.

Learned counsel appearing for the petitioner submits that this case may also be disposed off in the same terms and conditions.

4. Learned counsel for the State in the light of the order of the SAT as aforestated, submits that after verifying the facts of the case, petitioner's case shall be considered.
5. In view of the foregoing and categorical statement made by the learned counsel appearing for the State, this petition is allowed in the same terms i.e. if the Committee finds the petitioner suitable for the post in all respect, he shall be regularized on the post held by him and shall also pay him salary on regular scale. He shall be entitled to salary for the dates on break in service. His seniority shall be counted from the date of his initial appointment.
6. No costs.

Sd/-
(P. Sam Koshy)
Judge