

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1022 of 2019

Dileep Kumar Chandrakar S/o Shri Awadhram Chandrakar, Aged About 32 Years, R/o Village And Post Pendri, Police Station Rajnandgaon District Rajnandgaon Chhattisgarh At Present R/o Gandhi Gorakapur, P. O. Gorakapur, P. S. Gundardehi, District Balod, Chhattisgarh

----- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Forest, Mantralaya, Naya Raipur District Raipur Chhattisgarh
2. Principal Chief Conservator Of Forest, Aranya Bhawan, North Block, Sector-19, Atal Nagar, District Raipur Chhattisgarh
3. Chief Conservator Of Forest, Forest Circle, Malviya Nagar, District Durg Chhattisgarh
4. Divisional Forest Officer, Forest Division Rajnandgaon, District Rajnandgaon, Chhattisgarh
5. Forest Range Officer, Forest Range South Manpur, District Rajnandgaon Chhattisgarh

---Respondents

For Petitioner	:	Mr. Lav Sharma and Shri K.P.S. Gandhi, Advocate
For Respondents/State	:	Mr. Rahul Mishra, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/02/2019

1. The present writ petition has been filed seeking for a direction to the respondents to consider the claim of the petitioner for regularization.
2. The facts of the case is that the petitioner was engaged as a daily wage employee by the respondents on 02.04.2007. He continued to work till 30.11.2010, when she was discontinued from service.
3. The discontinuance of service was immediately challenged before the Labour Court vide case No. 109/IDA//2013 (Reference). The Labour Court passed an order in favour of the petitioner on 11.07.2013 ordering reinstatement without back wages.
4. Pursuant to the order of the Labour Court, the petitioner has also been reinstated in service on 07.07.2014 and since then he is continuously working. The order of the Labour Court dated 11.07.2013 was not challenged by the respondents before the High Court and the order of the Labour Court thus stands affirmed and the petitioner shall be deemed to be in service from 2007 onwards.
5. Given the said facts, let the petitioner in the light of the judgment of the Division Bench of this Court in the case of **“Tukaram Vs. State of Chhattisgarh”** (WPS No. 1703/2015) and other analogous writ petitions decided on 16.05.2017 would be entitled for the benefits of continuity of service from 2007 till date, keeping the intervening period i.e. the period of litigation also be period spent on duty.

6. Given the said facts, the petitioner's case should be considered for regularization in accordance with the circulars governing the field i.e. the circular dated 05.03.2008 and any circular subsequently passed in this regard by the State Government. While considering the case, the authorities would also keep in view the judgment of the Division Bench of this Court in the case of **"Tukaram"** (supra) as also the judgment of the Hon'ble Supreme Court in the case of **"Narendra Kumar Tiwari & Others v. State of Jharkhand"** 2018(8) SCC 238. Let this exercise be completed within a period of 4 months from the date of receipt of copy of this order.
7. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Khatai