

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 1235 of 2019

Moolchand S/o Bhagirathi Kurrey, Aged About 42 Years, R/o Village Dokarabhata, Tehsil Khairagarh, District Rajnandgaon, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Water Resoures, Mantralaya, Mahanandi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Executive Engineer, Water Resoures Division, Chhuiekhadan, District Rajnandgaon, Chhattisgarh.

---Respondents

For petitioner	:	Shri Gary Mukhopadhyay, Advocate.
For State	:	Shri P.Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22/02/2019

1. The prayer made by the petitioner through the present Writ Petition is for a direction to the respondents to consider the claim of the petitioner for regularization.
2. The contention of the petitioner is that, the petitioner for the first time was engaged as Daily Wage Employee on 02/04/2001. The petitioner continued to work as Daily Wage Employee right up till 30/08/2011 when abruptly his services stood discontinued. The discontinuance was immediately challenged by way of raising an Industrial Dispute and the dispute was thereafter referred to the Labour Court, Rajnandgaon where the case was registered as case No. 261/ID Act.2012/Ref.

3. The Labour Court finally after considering all the evidences on record passed an award on 22/04/2015 granting relief of reinstatement without backwages. However, it was specifically held by the Labour Court that the intervening period i.e. the period during which the petitioner was out of employment under litigation, the said would be treated as period spent on duty.

4. Subsequent to the award of the Labour Court dated 22/04/2015, the petitioner has been reinstated in service and he still continues to work as Daily Wage Employee. As such, the petitioner has put in about 19 yers of service with the respondents.

5. The claim of the petitioner is for a direction to the respondents to consider the claim of the petitioner for regularization in the light of the circular dated 05/03/2008 and the subsequent circulars issued by the State Government so far as regularization is concerned.

6. Considering the fact that the petitioner by virtue of the order of the Labour Court would be treated as in continuous service from 02/04/2001 to till date and which also gets its strength from the judgment of 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]**.

7. It is directed that, the respondents No.1 & 2 shall take an appropriate decision in the case of the petitioner for regularization at the earliest

preferably within a period of 3 months from the date of receipt of copy of this order.

8. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit