

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1289 OF 2019**

1. Balam Patel S/o Ishwar Prasad Patel Aged About 54 Years Presently Working As Timekeeper At Sub Division Office, Sakti, Division Champa, District Janjgir-Champa, Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through The Secretary, Public Works Department, Mantralaya, police Station Rakhi, tahsil Aarang, Naya Raipur Chhattisgarh.
2. Engineer In Chief Public Works Department, Sirpur Bhawan, Raipur, District Raipur, Chhattisgarh.
3. Chief Engineer Public Works Department, Bilaspur, police Station Civil Line Bilaspur, District Bilaspur Chhattisgarh.
4. Executive Engineer ,public Works Department (B/r) Janjgir, District Janjgir-Champa Chhattisgarh.
5. Sub Divisional Officer Sakti, district Janjgir-Champa Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri CJK Rao, Advocate.
For Respondent-State	:	Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25.02.2019**

1. Heard.
2. With the consent of the parties, the matter is taken up for hearing finally.
3. Learned counsel appearing for the petitioner submits that the petitioner was initially appointed as Time Keeper on daily wage basis on 13.08.1983 against a clear vacant post. The services of the petitioner were continued with artificial break of two or three days in service and worked continuously till the date of his regularization. The petitioner was given the benefits of annual increments.
4. A similarly situated employees approached the State Administrative Tribunal (for short "SAT") in Original Application No. 1979 of 1991 (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.
5. Learned counsel for the State in the light of the order of the SAT as aforesaid, submits that after verifying the facts of the case, petitioner's case shall be considered.

6. 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 (including the fact whether the petitioner at the initial stage had been selected after due process of law or not) 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.
7. No costs.

Sd/-
(P. Sam Koshy)
Judge