

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 1602 of 2019**

Sanat Kumar Singh S/o Late Shri Ramayan Singh Aged About 58 Years R/o Village- Rewapara, Post- Kodabhath, Tahsil- Pamgarh, Police Station- Shivrinarayan, District- Janjgir- Champa, Chhattisgarh.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Water Resources, Mantralaya, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
2. Chief Engineer Through Minimata (Hadeo), Bango Project, Department Of Water Resources, District- Bilaspur, Chhattisgarh.
3. Research Officer Through Minimata Bango Quality Control Unit, District- Janjgir- Champa, Chhattisgarh.

**---Respondents**

|                |   |                              |
|----------------|---|------------------------------|
| For Petitioner | : | Mr. K.P.S. Gandhi, Advocate  |
| For State      | : | Mr. P. Acharya, Panel Lawyer |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**07/03/2019**

1. The grievance of the petitioner is that though the petitioner is entitled to be considered for regularization, but the respondents authorities till date have not considered the same.
2. According to the petitioner, he was initially engaged as a daily wage employee by the respondents way back in the year 1984 and he was continued to work from 01.03.1984 to 31.03.1985 and 01.06.1991 to 31.01.1995, thereafter abruptly the services of the petitioner was discontinued.
3. The contention of the petitioner is that the discontinuance of the petitioner was challenged by way of a dispute before the Labour

Court, where the case was registered as Case No. 08/I.D.Act/2005(Reference). The Labour Court thereafter vide its award dated 01.12.2008 has allowed the application and ordered for reinstatement without back wages. However, the Labour Court while denying back-wages had made a categorical observation that the intervening period during, which the petitioner was out of employment, the same shall be treated as continuous service. The order of the Labour Court has by efflux of time attained finality.

4. The petitioner in the light of the directions given by the Labour Court treating the intervening period as period spent on duty or as continuous employment since 1984 onwards. After the order of the Labour Court also the petitioner has since been reinstated and is still in duty, thus for all practical purposes, the petitioner has to be treated as in service from 1984 till date.
5. Given the said facts and the order of the Labour Court, this Court is of the opinion that, the case of the petitioner thus would fall within the parameters of the conditions stipulated in the circular dated 05.03.2008 dealing with regularization.
6. In view of the same, let the respondents consider the case of the petitioner for regularization keeping in view the observations made by this Court in the preceding paragraphs and also taken note of the order of the Labour Court treating the services of the petitioner to be as period spent on duty during the period, he was out of employment.

7. Let a decision be taken at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order.
8. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-  
**(P. Sam Koshy)**  
**Judge**

Ved