

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2253 of 2019**

Shiv Prasad Sahu S/o Shri Punaaram Sahu Aged About 56 Years
 Occupation - Appointment As Sub Engineer (Civil) / Daily Wager In The
 Office Of P.W.D. Sakti, At Present Working As S.D.O. Sakti, Tahsil Sakti
 And District - Janjgir-Champa Chhattisgarh., R/o Village / Post Kirari,
 Baradwar, Tahsil Sakti And District - Janjgir-Champa Chhattisgarh.,
 District : Janjgir-Champa, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Public Works Department
 Mantralaya, Naya Raipur, District - Raipur Chhattisgarh., District : Raipur,
 Chhattisgarh
2. Engineer In Chief Public Works Department, Sirpur Bhawan Raipur, District
 - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Chief Engineer Public Works Department, Bilaspur, District - Raipur
 Chhattisgarh., District : Raipur, Chhattisgarh
4. Executive Engineer Public Works Department, Champa Division, District -
 Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Abhishek Saraf, Advocate
For State	:	Mr. Saleem Kazi, Dy. AG

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/04/2019**

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 06.04.1987 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.

3. 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.
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

Rohit