

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.2102 OF 2019**

1. Garjan Singh Bareth S/o Shri Bhukhram Bareth Aged About 48 Years R/o Village- Kapan, Police Station- Akaltara, District- Janjgir- Champa, Chhattisgarh.

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

1. State Of Chhattisgarh Through Secretary, Department Of Water Resources, Mantralaya, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
2. Engineer In Chief Through Department Of Water Resources, Sihawa Bhawan, Civil Lines, Raipur, District- Raipur, Chhattisgarh.
3. Chief Engineer Through Minimata (Hasdeo), Bango Project, Department Of Water Resources, District- Bilaspur, Chhattisgarh.
4. Research Officer Through Quality Control Unit, Sakti, District- Janjgir- Champa, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri KPS Gandhi, Advocate.
For Respondent-State	:	Shri Saleem Kazi, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03.04.2019**

1. The relief sought for by the petitioner in the present writ petition is 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 initially appointed as daily wage employee way back in May, 1988 and continued to serve as daily wage employee till January, 1995. Subsequently his services stood discontinued. The petitioner challenged discontinuance before the Labour Court vide case No.24/ID Act/2013. The Labour Court initially vide its award dated 30.08.2014 answered the reference in favour of the petitioner granting him benefit of reinstatement without back wages. The Labour Court simultaneously also made an observation that though the petitioner has been denied of the backwages, but the intervening period would be given the continuity of service.

3. The award of the Labour Court was challenged before the High Court by the State Govt. by way of Writ Petition (L) No.95 of 2015. The said writ petition filed by the State was initially allowed vide order dated 14.10.2015. The order of Single Bench was subjected to challenge in a Writ Appeal No.615 of 2015 and the Division Bench also dismissed the appeal of the State on 03.12.2015. Against the order passed by the Single Bench as well as the Division Bench, the State Govt. preferred a SLP before the Supreme Court which too stood dismissed vide order dated 01.05.2017 (Annexure P/3). Immediately after the award passed by the Labour Court in the year, 2014, the petitioner was reinstated in service and is still working with the respondents.
4. It is further the contention of the petitioner that subsequently the claim of the petitioner was infact processed by the department for regularization, however, no final decision have been taken and he has filed this petition for an appropriate direction to consider his claim for regularization.
5. In view of the submission of the petitioner that his case is under process of consideration, this court is of the opinion that ends of justice would meet if the respondents are directed to take an early decision on the claim of the petitioner for regularization. It is expected that the authorities would take a decision preferably within a period of four months from the date of receipt of copy of this order.
6. Accordingly, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge