

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.2781 OF 2019**

Gautam Patel S/o Late Shri Jeevan Lal Patel, Aged About 40 Years R/o Devrikhurd, Near Sonu Pan Centre, Post - Devrikhurd, Police Station - Torwa, District Bilaspur Chhattisgarh.

...Petitioner(s)

Versus

1. Chhattisgarh State Civil Supplies Corporation Limited, Through-Managing Director, Hitwada Complex, Telibandha, Raipur, District Raipur Chhattisgarh.
2. Manager (Administration) Chhattisgarh State Civil Supplies Corporation Limited, Civil Supplies Corporation Office, Hitwada Complex, Telibandha, Raipur District Raipur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri SP Kale, Advocate.
For Respondents	:	Shri Vivek Ranjan Tiwari, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12.04.2019**

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 1995 and continued to work till 01.11.2002, when 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. 20/I.D.Act/2005(Reference). The Labour Court thereafter vide its award dated 18.08.2009 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 period spent on duty. The said order of the Labour Court was put to challenge before the High Court by the State Government vide WPL No. 174/2010 and the High Court vide its order dated 07.03.2018 dismissed the writ petition affirming the order of the Labour Court. The order of the Labour Court thus 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 would have to be

treated as continuous employment since 1988 onwards. After the order of the Labour Court 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 1995 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 a 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 taking 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. It is made clear that while complying with the directives given by this court, the respondent authorities shall also keep in mind and ensure that any person senior to the petitioner on daily wage basis, that is to say, who have appointed earlier to the petitioner and is still working with the department, their claim for regularization has to be considered by the department keeping in mind the fact of seniority subject to fulfilling all other requisite eligibility criteria for regularization in the department as per circular dated 05.03.2008 or any other circular that is applicable for the State Govt. as well as for the respondents-corporation.
9. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge