

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2975 of 2019

Pramod Ku. Shrivastava S/o Late J. P. Shrivastava Aged About 55 Years
Sub Engineer, Presently Working As Assistant Project Manager, C. G. R.
D. C. Ambikapur, District Surguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Works Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur District Raipur Chhattisgarh
2. Engineer In Chief Public Works Department, Sector-19, Nirmad Bhawan, New Raipur District Raipur Chhattisgarh

---Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/04/2019

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 16.04.1987 against the 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. The similarly situated employees have approached the State Administrative Tribunal (for short ("SAT")) in Original Application No. 1979/91 (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.
7. Needless to mention that this Court has not expressed any opinion on the merits of the case so far as the entitlement of the petitioner is concerned. The Committee considering the case of the petitioner is expected of taking decision in accordance with the rules and regulations governing the field.

Sd/-
(P. Sam Koshy)
Judge

Ved