

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 4357 of 2019**

Dhram Singh Uikey S/o Late Shri Ramdau Uikey, Aged About 43 Years  
R/o Butapara, Domuhani, Post Devrikhurd, District Bilaspur  
Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary Public Works Department,  
Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. Engineer -In- Chief, Public Work Department, Nirman Bhawan, Atal  
Nagar, Raipur, District Raipur Chhattisgarh
3. Chief Engineer, Public Works Department, District Bilaspur  
Chhattisgarh
4. Executive Engineer, Public Works Department (E/M) Sub Division  
No. 1, Bilaspur, District Bilaspur Chhattisgarh

**----Respondents**


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|----------------|---|-------------------------------|
| For Petitioner | : | Mr. K. P. S. Gandhi, Advocate |
| For State      | : | Ms. Astha Shukla, P.L.        |

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**Hon'ble Shri Justice P. Sam Koshy****Order on Board****19.06.2019**

1. The claim of the petitioner in the present writ petition is for a direction to the respondents to consider his claim for regularization on the basis of circular dated 05.03.2008.
2. The facts of the case are that the petitioner was initially appointed as a daily wage employee on 01.10.2003 and he continued to work with the respondents as a daily wage employee till 28.08.2010 when abruptly his service was discontinued. The discontinuance of service was challenged

by the petitioner in the year 2011 when a reference was made to the Labour Court where the case was registered as Case No. 17/IDA/2011(Ref.). The Labour Court vide award dated 15.02.2013 held the discontinuance of service to be illegal and contrary to the provisions of the Industrial Disputes Act and granted the relief of reinstatement without back wages. However, the intervening period was ordered to be counted as period spent on duty.

3. The said award of the Labour Court has not been challenged by the State Authority before any forum and as such the order of the Labour Court attains finality. The worker has been reinstated in service in the year 2013 and since then he is working with the respondents uninterruptedly. Thus, the services of the petitioner would be deemed to be continuous, right from 2003 onwards.
4. Given the aforesaid facts and circumstances of the case, taking into consideration the judgment of this Court in the case of **Tukaram Vs. State of Chhattisgarh and others, WPS No. 1703/2015** and also the circular of the State Govt. dated 05.03.2008 and the subsequent circulars issued by the State Govt. regarding regularization, this Court is of the opinion that ends of justice would meet if the writ petition is disposed of with a direction to the respondents 2 to 4 to take a decision so far as the petitioner's claim for regularization is concerned at the earliest preferably within a period of 4 months from the date of receipt of copy of this order.

5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-  
(P. Sam Koshy)  
Judge