

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4354 of 2019**

Bhansingh (Mansingh) S/o Shri Hagru, Aged About 61years, R/o Village And Post Kapan, Tahsil Janjgir, Police Station Kapan, District Janjgir Champa, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Water Resources, Mantralaya, Naya Raipur, Raipur Chhattisgarh
2. Engineer- In – Chief, Department Of Water Resources, Sihawa Bhawan, Civil Lines, Raipur, District Raipur, Chhattisgarh
3. Chief Engineer, Minimata (Hasdeo) Bango Project, Department Of Water Resources, District Bilaspur, Chhattisgarh
4. Executive Engineer, Hasdeo Bango Canal Water Management, Division - Janjgir, District Janjgir – Champa, Chhattisgarh

----Respondents

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

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 01.11.1985 and he continued to work with the respondents as a daily wage employee till 1996 when abruptly his service was discontinued. The discontinuance of service was challenged by the

petitioner in the year 2010 when a reference was made to the Labour Court where the case was registered as Case No. 04/IDA/2010(Ref.). The Labour Court vide award dated 16.08.2010 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 was challenged before the High Court by way of WPL No. 57/2012 and the High Court vide its judgment dated 14.10.2015 dismissed the writ petition of the State Govt. affirming the order passed by the Labour Court. The order of the High Court has not been further challenged. As a consequence, the order of the Labour Court attains finality. Thus, the services of the petitioner would be deemed to be continuous, right from 1985 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