

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No.731 of 2019

Dewar Singh S/o Maharu Ram Dhobi, Aged About 58 Years, R/o Village
Kudaridilli, Tahsil Lohara, Chhattisgarh And Working At Forest Range Office
Gurur, District Balod, Chhattisgarh **---- Petitioner**

Versus

1. Shri Jai Singh Mahsake, Secretary Forest Department, Mantralaya,
Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh
2. Sangeeta Gupta, Chief Conservator Of Forest, Chhattisgarh, Raipur, District
Raipur (CG)
3. S. S. D. Badgaiya Conservator Of Forest, Durg Circle, District Durg
Chhattisgarh
4. S. P. Paikra, The Divisional Forest Officer, Division Balod District Balod
Chhattisgarh
5. Rajesh Nandulker, The Forest Range Officer, Forest Range, Balod District
Balod Chhattisgarh
6. M. Govind Rao, S/o M. S. Rao Retired Forest Divisional Officer, Balod
Division, District Balod Chhattisgarh, At Present R/o Dharampura,
Radhaswami Satsang Chowk, Pani Tanki, Pan Thela Ke Pas, Raipur District
Raipur Chhattisgarh **---- Respondents**

For Petitioner	:	Mr. Jitendra Gupta, Advocate
For Respondent No.1	:	Mr. Syed Majid Ali, Advocate
For Respondent No.3	:	Mr. Suyash Dhar, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/10/2019

Heard.

1. This contempt petition has been filed by the petitioner alleging willful disobedience of order dated 31.08.2017 in WPS No.4336 of 2017.
2. Learned counsel for the petitioner would argue that even though, this Court had clearly observed that the petitioner shall be deemed to be in service without any break, the respondent authorities have rejected the petitioner's claim for regularization holding that he was not working against any sanctioned post and that there were certain breaks in his service which is an act of overreaching orders of

this Court.

3. The order, by which, the petitioner's claim for regularization has been rejected was minutely scrutinized. This Court finds that in order to reject the petitioner's claim for regularization, the respondent-authorities has recorded that the petitioner failed to prove that he continuously working as daily wage employee from 1.1.1989 to 31.12.1997. The other ground for rejecting petitioner's claim is that he did not work on sanctioned post.

4. The aforesaid two grounds on which the claim for regularization has been rejected, were not covered by the order of this Court passed on 31.08.2017. The only aspect which was dealt with by this Court that during which the petitioner has remained out of employment after termination, after reinstatement in service, that period shall be treated as in service i.e. deemed continuation in service. Except this, no other aspects were dealt with much less adjudicated upon by this Court.

5. Irrespective of whether the petitioner has any claim against finding on which his claim for regularization has been rejected, I am convinced that no contempt is made out because in the order of the authority, there is nothing to show that the period during which the petitioner remained out of employment until reinstated by the order of the Labour Court, was treated as break in service.

6. Learned counsel for the petitioner, at this stage, sought to raise various submissions that the finding which has been recorded that the petitioner did not work continuously from 01.01.1989 to 31.12.1997 is not correct. He would further submit that the reason that there was no sanctioned post, is not relevant for the purposes of considering cases of regularization.

7. Even if the aforesaid two submissions were to be accepted, this would not be a matter for consideration in the contempt petition but to be raised in a separately constituted petition. Therefore, without commenting upon the merits of the petition, the contempt petition is closed.

Sd/-
(Manindra Mohan Shrivastava)
Judge