

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5255 of 2019**

Raghunath Kashyap S/o Shri Ghasiya, Aged About 49 Years, R/o
Post- Pendri, District- Janjgir-Champa, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Water Resources, Mantralaya, Naya 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, Minimata Bango Canal Water Management, Division No.6- Janjgir, District- Janjgir-Champa, Chhattisgarh
5. Sub Division Officer, Hasdev Sub Mining Management Division No.3- Nandalibhata Shakti, District- Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. S. P. Kale, Advocate
For State	:	Mr. Jitendra Pali, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22.07.2019**

1. The claim of the petitioner in the present writ petition is for a direction to the respondents to consider his case for regularization.
2. Facts of the case are that the petitioner is said to have worked under

the respondents as a daily wage employee since 1990 and thereafter he stood discontinued. The petitioner raised an industrial dispute for the first time after about 20 years in the year 2013 and the matter stood referred to the Labour Court where the case was registered as Case No. 161/ID Act/2013(Ref.). The Labour Court finally vide its award dated 29.10.13 answered the reference in favour of the worker and ordered for reinstatement in service without back wages. While deciding the reference case, the Labour Court had also ordered that the intervening period would be treated as continuous service for all practical purposes.

3. Surprisingly, the said order has not been challenged by the State Govt. before the High Court and they have duly complied with the order of the Labour Court and the worker was reinstated in service immediately. The award of the Labour Court thus has attained finality.
4. By virtue of the award of the Labour Court which has attained finality, the petitioner for all practical purposes has to be treated to be in service from 1990 till date. In the light of the award passed by the Labour Court granting continuity of service and which has not been challenged by the respondents rather the respondents have complied with the order without any objection, for all practical purposes the petitioner would have to be deemed to be in service from 1990 onwards.
5. Given the said facts and circumstances of the case, let the respondents take an appropriate decision on the claim of the petitioner as per the circular of the State Govt. dated 05.03.2008

within a period of 4 months from the date of receipt of copy of this order.

6. The writ petition accordingly stands disposed of.

**Sd/-
P. Sam Koshy
Judge**