

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5082 of 2019

Ranjan Das S/o Jagnudas Aged About 57 Years R/o Village Baghimar,
Post Lagra, Tahsil Lormi, Police Station - Fasterpur, District Mungeli,
Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department of Forest,
Mantralaya, Naya Raipur, Raipur Chhattisgarh.
2. Chief Conservation of Forest Aranya Bhawan, North Block, Sector- 19,
Atal Nagar, District Raipur Chhattisgarh.
3. Divisional Forest Officer, Forest Division- Mungeli, District Mungeli,
Chhattisgarh.
4. Forest Range Officer Forest Range- Khudia, District Mungeli,
Chhattisgarh.

---Respondents

For Petitioner	:	Shri KPS Gandhi, Advocate.
For State	:	Shri P. Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15.07.2019

1. Challenge in this petition is to the order dated 20.05.2019 (Annexure P/1)
passed by the respondent No.3 whereby the claim of the petitioner for
regularization has been rejected. The regularization part has been rejected
on the ground that the petitioner does not seem to have worked prior to
1991 and that he is not fulfilling the eligibility criteria as is otherwise
required under the circular of the State Govt. dated 05.03.2008.
2. The counsel for the petitioner referring to Annexure P/2 i.e. an award
passed by the Labour court submits that in the award of the Labour court
dated 12.02.2018 there is a specific finding of the court below based on
the reply filed by the State before the Labour Court, that the petitioner-

worker had worked with the department between 1985 to 1995. That, according to the petitioner, he has worked with the department between 1981 to 1998, but there is no documentary proof in this regard. According to the petitioner, even if the award of the Labour Court is taken note of, the finding of the respondent No.3 in issuing Annexure P/1 would get falsified as the State Govt. themselves before the Labour Court had admitted the fact that the petitioner had worked between 1985 to 1995 which itself is more than 10 years time enabling him to get the benefit of circular of the State dated 05.03.2008. Thus, prayed for an appropriate direction in this regard.

3. The State counsel on the other hand tried to justify the order passed on the ground that the petitioner has not been able to show any documentary proof in respect of his having worked with the department since 1981 till 1998, nor is there any document available with the State Govt. of the petitioner having been engaged prior to 1991. Therefore, in the absence of any documentary proof, the finding of the respondent No.3 cannot be said to be in any manner perverse. Thus, prayed for rejection of the writ petition.
4. Having heard the contentions put forth on either side and on perusal of records, what cannot be lost sight of is the finding of the Labour Court dated 12.02.2018. In the said case, the reply that the State had filed clearly reflect the petitioner to have worked with the department between 1985 to 1995. Admitting the stand of the State before the Labour Court, it would establish that the petitioner had put in 10 years of service as is required under circular dated 05.03.2008. Moreover, from the date of award of the Labour Court, the petitioner has been reinstated and is still continuing in employment.

5. Given the said facts, this court is of the opinion that the findings of the respondent No.3 dated 20.05.2019 so far as it pertains to petitioner is concerned, is not sustainable. The same is liable to be and is accordingly set aside. The matter stands remitted back to the respondent No.3 to reconsider the case of the petitioner accepting the petitioner to have worked with the department between 1985 to 1995 as is the finding of the Labour Court in its award dated 12.02.2018 so far as petitioner is concerned.
6. Needless to mention that since the petitioner after 1995 or 1998, as the case may be, did not raise dispute before the Labour Court till 2014, the intervening period i.e. from the date of discontinuance till the petitioner filed the case before the Labour Court, the same would not be treated as period spent on duty. Leaving aside that intervening period, treating other period to have worked as in service, the respondents may take a fresh decision so far as the claim of the petitioner for regularization is concerned at the earliest preferably within a period of four months from the date of receipt of copy of this order.
7. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge