

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5654 of 2019

Jagdish Yadav S/o Late Shri Pusauram Yadav Aged About 50 Years R/o Khisora Colony 225/3, Khisora, Akaltara, Tahsil and Police Station-Akaltara, District- Janjgir-Champa, Chhattisgarh.

---- Petitioners

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. Research Officer, Minimata Bango, Quality Control Unit, Sakti, District-Janjgir-Champa, Chhattisgarh.

---Respondents

For Petitioner	:	Shri KPS Gandhi, Advocate
For State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02.08.2019.

1. The grievance of the petitioner is that though the petitioner is entitled to be considered for regularization, but the respondents authorities till date have not considered the same.
2. According to the petitioner, he was initially engaged as a daily wage employee by the respondents way back in the year 1989 and continued to work till 03.06.1996, when abruptly services of the petitioner was discontinued.
3. The contention of the petitioner is that the discontinuance of the petitioner was challenged by way of a dispute before the Labour Court, where the case was registered as Case No.49/I.D.Act/2009 (Reference). The Labour Court thereafter vide its award dated 05.06.2010 has allowed the application and ordered for reinstatement without back wages. However, the Labour Court while denying back-wages had made a categorical

observation that the intervening period during, which the petitioner was out of employment, the same shall be treated as period spent on duty. The said order of the Labour Court was put to challenge before the High Court by the State Government vide WPL No. 6978/2010 and the High Court vide its order dated 10.08.2018 dismissed the writ petition affirming the order of the Labour Court. The order of the Labour Court thus has by efflux of time attained finality.

4. The petitioner in the light of the directions given by the Labour Court treating the intervening period as period spent on duty would have to be treated as continuous employment since 1989 onwards. After the order of the Labour Court the petitioner has since been reinstated and is still in duty, thus for all practical purposes, the petitioner has to be treated as in service from 1989 till date.
5. Given the said facts and the order of the Labour Court, this Court is of the opinion that, the case of the petitioner thus would fall within the parameters of the conditions stipulated in the circular dated 05.03.2008 dealing with a regularization.
6. In view of the same, let the respondents consider the case of the petitioner for regularization keeping in view the observations made by this Court in the preceding paragraphs and also taking note of the order of the Labour Court treating the services of the petitioner to be as period spent on duty during the period, he was out of employment.
7. Let a decision be taken at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order.
8. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge