

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5511 of 2019

Manharan Das Manikpuri S/o Shri Shivdas Aged About 53 Years R/o Surya Chowk, Near Hanuman Mandir, Chingrajpara, Police Station Sarkanda, Bilaspur District Bilaspur 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 Division District Janjgir Champa Chhattisgarh.

---Respondents

For Petitioner	:	Mr. K.P.S. Gandhi, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30/07/2019

1. The case of the petitioner is that the petitioner was initially appointed in the month of April, 1994. Subsequently his services were terminated in the month of July, 1996. That termination led to an industrial dispute under the Industrial Disputes Act, wherein the Labour Court vide order dated 05.08.2011 reinstated the petitioner.
2. Subsequently, the such reinstatement order was subjected to challenge before this High Court in WPL No. 71/2012, wherein the order of the Labour Court was set-aside. The same was subjected to challenge in a writ appeal i.e. WA No. 590/2015 and in the said writ appeal, this Court vide order dated 02.12.2015 set-aside the order of the Single Judge. Against the such order, the State preferred an SLP before the Supreme Court and the Supreme

Court vide order dated 01.05.2017 has affirmed the order of the Division Bench, thereby the order of the Labour Court was in existence.

3. It is further contended that because of the litigation, which was pending, the case of the petitioner for regularization could not be considered and the petitioner prays that the case of the petitioner for regularization may be considered in the light of the background existing and the litigation pending in the different Courts, but as has been given to the other persons, the case of the petitioner may be considered as the continuation of service has not been interrupted by any judicial order.
4. Learned counsel for the petitioner further submits that in the likewise petition i.e. WPS No. 453/2019 this High Court on 23.01.2019 has directed the respondents to consider the claim of the regularization of the petitioner.
5. Having considered the facts of the case and the background of the case, no fruitful purpose would be served in keeping the writ petition pending rather it is directed as has been observed in the similar nature of cases by this Court. The respondents shall take early decision in the case of the petitioner for regularization as it has been done in the other similarly paced persons. It is expected that the authorities shall take a decision within a period of 90 days from the date of receipt of the copy of this order as per the existing circular.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge