

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 9764 of 2019

- Subudhi Lal Yadav S/o. Shri Manthan Lal Yadav Aged About 57 Years
R/o. Devrikhurd, Safedkhana, Bilaspur, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through- Secretary Department Of Higher Education Mantralaya, Atal Nagar, Nava Raipur, District : Raipur, Chhattisgarh
2. Commissioner Department Of Higher Education, Directorate, Indiravati Bhawan, Atal Nagar, Nava Raipur, District : Raipur, Chhattisgarh
3. Joint Director Department of Higher Education, Raipur, District : Raipur, Chhattisgarh
4. Principal Rajiv Gandhi Government Arts And Commerce College, Lormi, District : Mungeli, Chhattisgarh
5. State Of Chhattisgarh Through- Secretary Department Of Higher Education Mantralaya, Atal Nagar, Nava Raipur, District : Raipur, Chhattisgarh
6. Commissioner Department Of Higher Education, Directorate, Indiravati Bhawan, Atal Nagar, Nava Raipur, District : Raipur, Chhattisgarh
7. Joint Director Department Of Higher Education, Raipur, District : Raipur, Chhattisgarh
8. Principal Rajiv Gandhi Government Arts And Commerce College, Lormi, District : Mungeli, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. S.P. Kale, Advocate
For State/Respondent	:	Mr. Kapil Maini, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.11.2019

1. Heard.
2. Grievance of the petitioner, as ventilated through this petition is that even though the petitioner is continuing as daily wage employee since long, his claim for regularization has not been decided till

date. It is submitted that though the petitioner was terminated in the year 1992, award of reinstatement was passed in his favour by the Labour Court in the year 2010 with the legal consequence that the petitioner shall be deemed to be in service from the initial date of appointment in the year 1989.

3. If the case of the petitioner is considered treating his initial date of appointment as in the year 1989, he would be entitled to be considered for regularization under circular dated 05/03/2008 issued for consideration of cases of regularization pursuant to direction of the Supreme Court in the case of Secretary, State of Karnataka and others Vs. Uma Devi (3) and others, 2006 (4) SCC 1 for consideration of cases of those, who have completed 20 years of service.
4. After going through the records and orders passed by the Labour Court, it is quite clear that the effect of the order would be that the petitioner shall be deemed to be in service without any break. This would entitle the petitioner for due consideration for regularization under circular dated 05/03/2008. It is ordered accordingly.
5. Let the case of the petitioner be considered by a duly constituted Committee as per policy dated 05/03/2008 and a decision be taken within an outer limit of three months from the date of receipt of copy of this order.

Sd/-

(Goutam Bhaduri)
Judge