

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 8367 of 2018

Balkaran S/o Late Shri Ramram Choudhary, Aged About 47 Years,
R/o Village Agastpur, Post Krishnapur, Tahsil Ramanujganj, District
Surajpur, Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh State Ware Housing Corporation Through Its Managing Director, Chhattisgarh State Ware Housing Corporation, 22, Anand Nagar Raipur, District Raipur, Chhattisgarh
2. Branch Manager, Chhattisgarh State Ware Housing Corporation, Ramanujganj, District Balrampur, Chhattisgarh
3. Karmik Manager, Chhattisgarh State Ware Housing Corporation, Raipur District Raipur, Chhattisgarh

---Respondents

For Petitioner	:	Shri Sanjay Pathak, Advocate.
For Respondents	:	Shri S. S. Baghel, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/01/2019

1. The relief sought for by the petitioner in the present writ petition is for a direction to the respondents to consider the case of the petitioner for regularization.
2. According to the petitioner, he has been in service with the respondents since 1997 onwards as a daily wage employee. He has by now put in more than 21 years of service and therefore his case for regularization is liable to be considered in the light of the circular dated 05.03.2008.

3. Counsel for the respondents, on the contrary, opposing the petition submits that from perusal of the record it reflects that there was a break in service for a period of one month i.e. from 01.03.2003 to 31.03.2003 and therefore, the petitioner may not be entitled for the benefit of circular dated 05.03.2008.
4. On a query being put to the counsel for the parties they submit that except for treating the said period as “no work no pay” there has been no order whatsoever which has been passed by the Department. Moreover, the continuous employment of the petitioner from 1997 till date is not in dispute. This by itself would reveal that the petitioner has been put in more than 21 years of service by now, except for the break of one month in the year 2003. Even otherwise, from 01.04.2003 onwards the petitioner has put in more than 15 years of service and therefore the case of the petitioner is liable to be considered for regularization by the respondents.
5. Given the said facts, let respondent no.1 consider the claim of the petitioner for regularization in accordance with the circulars and policies of the Department so far as regularization is concerned. It is expected that a decision in this regard shall be taken at the earliest preferably within a period of 3 months from the date of receipt of copy of this order.
6. With the aforesaid observation, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
JUDGE