

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9878 of 2019**

- Laxman Prasad Banjara, @ Dahire S/o Shri Kejha Banjara Aged About 51 Years, R/o Village Limhaipur, Post Khairjhiti (Old), Tahsil Pandariya, District Kabirdham Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Forest Department, Mahanadi Bhavan, Mantralaya, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
2. Divisional Forest Officer Forest Division, Kabirdham, District Kabirdham Chhattisgarh.

---- Respondents

For Petitioner : Shri Pankaj Agrawal, Advocate

For Respondents/ State : Shri Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****29/11/2019**

Heard.

1. This petition has been filed by the petitioner seeking a direction for consideration of his case for regularization under circular dated 05.03.2008 promulgated by the State Government.
2. Learned counsel for the petitioner submits that the petitioner was initially appointed as daily wage employee in the year 1995 in the Forest Department. He was retrenched from service on January, 2002 which was challenged by filing an application before the Labour Court. Vide order dated 22.12.2014 an award of reinstatement was passed in favour of the petitioner. He would submit that the petitioner has been reinstated also.

3. It is submitted that in view of the decision passed by the Division Bench of this Court in the case of ***Tukaram Vs. State of Chhattisgarh (WPC No.1703 of 2015 and batch of petitions)***, the petitioner shall be deemed to have continued in service from the initial date of appointment in the year 2002 by ignoring break in service.
4. It appears that the petitioner has been reinstated pursuant to award of the Labour Court passed on 22.12.2014. There is no material on record to show that the petitioner has made any representation for consideration of his case for regularization. Therefore, the petitioner may approach the competent authority for consideration of his claim for regularization under circular dated 05.03.2008.
5. While considering the petitioner's case for regularization, the respondent shall treat the petitioner to be continued in service since his initiate date of appointment i.e. 2002 and then appropriate decision be taken in the matter.
6. The petition is accordingly disposed off.

Sd/-

Goutam Bhaduri
Judge