

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10180 of 2019**

1. Ramji S/o Late Derha Aged About 51 Years, R/o Village Kanhad Gaon P.S. Dongargarh, District Rajnandgaon, Working As A Daily Wager In The Water Resources Department, Rajnandgaon Division Rajnandgaon, District Rajnandgaon, Chhattisgarh.
2. Budhru Ram S/o Late Dharam Aged About 55 Years R/o Village Bicchitola, P.S. Dongargarh District Rajnandgaon, Working As A Daily Wager In The Water Resources Department, Rajnandgaon Division Rajnandgaon, District Rajnandgaon, Chhattisgarh.
3. Dhur Singh Patel S/o Late Guhri Ram Patel Aged About 47 Years R/o Village Kanhad Gaon P.S. Dongargarh, District Rajnandgaon, Working As A Daily Wager In The Water Resources Department, Rajnandgaon Division Rajnandgaon, District Rajnandgaon, Chhattisgarh
4. Bhadu Ram Verma S/o Late Guhri Ram Verma Aged About 53 Years R/o Village Bicchitola, P.S. Dongargarh, District Rajnandgaon, Working As A Daily Wager In The Water Resources Department, Rajnandgaon Division Rajnandgaon, District Rajnandgaon, Chhattisgarh.
5. Ajit Verma S/o Late Shankar Lal Verma Aged About 46 Years R/o Bijnapur P.S. Dongargarh, District Rajnandgaon, Working As A Daily Wager In The Water Resources Department, Rajnandgaon Division Rajnandgaon, District Rajnandgaon, Chhattisgarh.
6. Santram S/o Tulsi Ram Aged About 46 Years R/o Village Kanhad Gaon P.S. Dongargarh, District Rajnandgaon, Working As A Daily Wager In The Water Resources Department, Rajnandgaon Division Rajnandgaon, District Rajnandgaon, Chhattisgarh.
7. Jahrit Ram Gond S/o Late Milap Aged About 52 Years R/o Village Kanhad Gaon P.S. Dongargarh, District Rajnandgaon, Working As A Daily Wager In The Water Resources Department, Rajnandgaon Division Rajnandgaon, District Rajnandgaon, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Executive Engineer Water Resources Region Rajnandgaon Rajnandgaon, Chhattisgarh.
3. Executive Engineer Water Resources Region Chuikhadaan District Rajnandgaon, Chhattisgarh.

---- Respondents

For Petitioner : Shri B.P. Singh, Advocate
For Respondents/ State : Ms. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/12/2019

1. The grievance of the petitioners is that though they were appointed as daily wage employees even prior to 1988, their services were terminated in the year 2000, against which, the petitioners approached Labour Court and order of reinstatement was passed on 06.01.2006 in petitioners favour. In the meantime, number of daily wage employees have been considered and granted regularization as per circular dated 05.03.2008 promulgated by the State Government to consider cases of daily wage eligible employees for regularization as one time measure in compliance of the judgment of the Supreme Court in the case of Secretary, State of Karnataka & Ors. Vs. Umadevi (3) and Ors.,(2006) 4 SCC 1).
2. Learned counsel for the petitioner submits that the respondents have considered cases of regularization of those employees who have been reinstated under an order of the Labour Court notwithstanding the pendency of the writ petition against the order of award at the instance of respondents, before this Court. Learned counsel for the petitioner further submits that his case is covered by circular dated 05.03.2008 as he was appointed as daily wage employee during the period specified in the circular. It is also submitted that at one point of time, the petitioner services was terminated in the year 1994, which was assailed before the Labour Court successfully and the Labour Court passed an award in favour of the petitioner reinstating him. The order of reinstatement was challenged by the State before this Court, which petition was also dismissed vide order dated 12.04.2013 passed in Writ Petition No.1883 of 2002 (State of Chhattisgarh Vs. Ramesh Kumar).
3. It is submitted that as the legal consequence of reinstatement would be

continuity in service and the petitioner having actually been reinstated in service and working as a daily wage employee, is entitled to be considered.

4. Learned State counsel do not dispute the fact that similar issue has been decided in WPS No. 4662 of 2016 on 15.09.2016.
5. Having considered the aforesaid submissions and the material on record, particularly taking into consideration that the effect of reinstatement would be continuity in service ever since the date of initial appointment, the claim of the petitioner does not appear to be frivolous and requires serious consideration in the light of circular dated 05.03.2008 and the judgment of the Supreme Court in the case of Umadevi (supra). Accordingly, the respondents are directed to consider petitioner's claim for regularization strictly in accordance with circular dated 05.03.2008 and judgment of the Supreme Court in the case of Umadevi (supra).
6. With the aforesaid observation/direction, the petition is finally disposed off.

Sd/-

Goutam Bhaduri
Judge