

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 9817 of 2019**

Ashwani Kumar Dubey, S/o. Late Shri Baldau Prasad Dubey, Aged About 54 Years, R/o. Village And Post Khoksha, Tahsil Janjgir, Police Station Naila, District Janjgir-Champa, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Secretary, Department Of Water Resources, Mantralaya, Naya Raipur, Raipur, Chhattisgarh.
2. Engineer-In-Chief, Department Of Water Resources, Sihawa Bhawan, Civil Lines, Raipur, District Raipur, Chhattisgarh.
3. Chief Engineer, Minimata Bango Project, Department Of Water Resources, District Bilaspur, Chhattisgarh.
4. Executive Engineer, Hasdeo Nahar Jal Prabandh Sambhag, Division Janjgir, District Janjgir-Champa, Chhattisgarh.,

---- Respondents

For Petitioner	:	Mr. S.P. Kale, Mr. K.P.S.Gandhi & Mr. Bhupendra Kumar Pandey, Advocates
For State/Respondents	:	Mr. Kunal Das, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****28.11.2019**

Heard.

1. 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 1997, award of reinstatement was passed in his favour by the Labour Court in the year 2013 with the legal consequence that the petitioner shall be deemed to be in service from the initial date of appointment in the year 1990.
2. If the case of the petitioner is considered treating his initial date of appointment as in the year 1990, 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.

3. 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.
4. 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