

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 10253 of 2019

- Ramdayal Tiwari S/o Shri Ramcharan Tiwari, Aged About 48 Years R/o Irrigation Colony - Senoi (Champa) Police Station - Champa, District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through - Secretary Department Of Water Resource, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District : 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, Nahar Jal Prabadh Sambhag, Division - Janjgir District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. S.P. Kale, Advocate
For State	:	Ms. Beenu Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order on Board

06.12.2019

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 1996, award of reinstatement was passed in his favour by the Labour Court in the year 2015 with the legal consequence that the petitioner shall be deemed to be in service from the initial date of appointment in the year 1990.
3. 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 29 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