

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 10361 of 2019

1. Salik Ram S/o Amru Ram Aged About 58 Years Post Gangman, Posted as Gangman At The Office of Executive Officer, Water Resources Department, Balod, District Balod, Chhattisgarh.
2. Chaitu Ram S/o Nandu Ram Aged About 59 Years Post Gangman, Posted as Gangman At The Office of Executive Officer, Water Resources Department, Balod, District Balod, Chhattisgarh.
3. Nrigpaal @ Yugpaal S/o Late Shri Nag Sai Aged About 59 Years Post Gangman, Posted As Gangman At The Office ff Executive Officer, Water Resources Department, Balod, District Balod, Chhattisgarh.
4. Sudarshan S/o Manu Ram Aged About 55 Years Post Gangman, Posted as Gangman At The Office of Executive Officer, Water Resources Department, Balod, District Balod, Chhattisgarh.
5. Rain Singh S/o Than Singh Aged About 59 Years Post Gangman, Posted as Gangman At The Office of Executive Officer, Water Resources Department, Balod, District Balod, Chhattisgarh.
6. Raj Kumar S/o Chandu Aged About 50 Years Post Gangman, Posted as Gangman At The Office of Executive Officer, Water Resources Department, Balod, District Balod, Chhattisgarh.
7. Tek Ram S/o Dukhva Ram Aged About 56 Years Post Gangman, Posted as Gangman At The Office of Executive Officer, Water Resources Department, Balod, District Balod, Chhattisgarh.

--- Petitioners

Versus

1. State of Chhattisgarh Through The Secretary, Water Resources Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District Raipur, Chhattisgarh.
2. Executive Engineer Water Resources Department, Balod, District Balod, Chhattisgarh.
3. Executive Engineer Water Resources Department, Durg, District Durg, Chhattisgarh.

--- Respondents

For the Petitioner	: Mr. Pravin Dhurandhar, Advocate
For the Respondents	: Ms. Richa Shukla, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.12.2019

1. The petitioners through the present writ petition are seeking a direction to the Respondents to consider the case of the petitioners for regularization in accordance with the circular dated 05.03.2008.
2. The relevant facts are that the petitioners at the initial stage had raised an industrial dispute before the Labour Court, Durg, where the dispute was registered as Case no. 115/MPIR/1996. The Labour Court passed the order dated 23.09.1997, allowing the application of the Petitioners of being classified against the post they were discharging their duties. Against the said order of the Labour Court dated 23.09.1997, the Respondent-State had preferred an appeal before the Industrial Court, Raipur, where the appeal was registered as Appeal No. 200/MPIR/1998. Pending the appeal before the Appellate Court, the respondents terminated the services of the petitioners in the year 1997. This fact was also brought to the notice of the appellate Court i.e., the Industrial Court. The Appellate Court vide its order dated 10.05.2004 dismissed the appeal of the State Government and further held that the Petitioners would be deemed to be in continuous employment, quashing the order of termination as well and it was also ordered that the petitioners should be immediately reinstated in employment without back-wages.
3. The said order of the Industrial Court was put to challenge before the High Court by way of Writ Petition No. 2960 of 2004. The said writ petition was finally dismissed on 27.02.2013, against which the State Government had preferred a Special Leave Petition before the

Supreme Court. That the Supreme Court also dismissed the Special Leave Petition vide order dated 07.05.2014.

4. As a consequence of the rejection of the Special Leave Petition, the order passed by the Industrial Court attained the finality. The petitioners were supposed to be reinstated in employment and should have been treated in service right from their initial date of appointment. Now, if that be so, in the light of the circular of the State Government dated 05.03.2008, the case of the petitioners can be considered for regularization keeping in view the decision of the Supreme Court in case of Secretary, State of Karnataka v. Uma Devi and others [AIR 2006 SC 1806].
5. Counsel for the petitioners relies upon the decision of this Court rendered in Writ Petition (S) No. 4964 of 2012, decided on 05.11.2012, whereby under similar circumstances the Court had directed the respondent State to consider the case of the petitioners therein for regularization and submits that the petitioners seek similar relief in the present case also.
6. Counsel for the State at this juncture does not dispute the fact that subsequent to the dismissal of the special leave petition, the order of the Industrial Court has attained finality. He further submits that in compliance of the same the State Government had issued an order for taking the petitioners back in service and they are working. So far as the claim of regularization is concerned, the State Government would consider the same in accordance with the Policy of the State Government in this regard.

7. Be that as it may, this Court does not intend to keep the petition pending any further and the present writ petition is being disposed, with a direction to the respondents to take into account the services of the Petitioners from their initial date of appointment, as has been ordered by the Industrial Court, and further consider the case of the Petitioners for regularization in accordance with the circular of the State Government dated 05.03.2008.
8. It is expected that the Respondents shall consider the claim of the Petitioners for regularization within a period of four months from the date of receipt of certified copy of this order. Needless to mention that the respondents shall verify whether the petitioners suffer from any other disqualification.
9. The writ petition stands accordingly allowed and disposed off.

Sd/-
(GOUTAM BHADURI)
JUDGE