

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10477 of 2019**

- Hemant Kumar Nayak S/o Shri Harinath Nayak Aged About 57 Years C/o Shri S. L. Patel, Q. No. B/643 Block, Yamuna Vihar, Jamnipali, Police Station- Jamnipali, District Korba 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 Barage Water Management, Division Rampur, Korba District Korba Chhattisgarh

---- Respondents

For Petitioner : Shri KPS Gandhi, Advocate

For Respondents/State : Shri Ravish Verma, GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/12/2019**

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 1995, award of reinstatement was passed in his favour by the Labour Court in the year 2016 with the legal consequence that the petitioner shall be deemed to be in service from the initial date of appointment in the year 1989.

2. If the case of the petitioner is considered treating his initial date of appointment as in the year 1989, 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 21 years of service.
3. Learned State counsel do not dispute the fact brought to the notice of the Court by the petitioner.
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