

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPL No. 2912 of 2009**

1. State Of Chhattisgarh, through Engineer-in-Chief, Public Works Department, Sirpur Bhawan, Raipur, District Raipur (CG)
2. Chief Engineer, Public Works Department, Bilaspur (CG)
3. Superintendent Engineer, Public Works Department, Bilaspur (CG)

---- Petitioner

Versus

1. Shyam Bahadur Pal, S/o Ram Ujagir Pal, through Suresh Tiwari, Co-ordinator, Chhattisgarh Karmachari Congress, Bilaspur (CG)
2. The Labour Court, through its Presiding Officer, Labour Court, Bilaspur (CG)

---- Respondent

For Petitioners : Smt. Fouzia Mirza, Additional Advocate General.
For Respondent No.1 : Shri R.S. Marhas, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****23/01/2020 :**

1. Challenge in this petition is to the award passed by the Labour Court directing that the respondent No.1 be permanently classified on the post of Typist/Copyist with effect from 1.7.1993 and shall be paid regular scale of the said post with effect from

7.3.2006. The effect of the order would be that respondent No.1 would be treated as regular employee from 1.7.1993 but the monetary benefits as regular employee would be admissible only from 7.3.2006.

2. Admittedly, the respondent No.1 was appointed on daily wages without undergoing any selection process. Neither any vacancy was advertised nor any recruitment under the constitutional scheme was undertaken before appointing him. Thus the appointment not being in terms of the statutory rules, the respondent No.1 could not have been regularized from retrospective date only on the ground that he has continuously worked for more than 6 months. The legal position in this regard has been settled by the Hon'ble Supreme Court in the matters of **M.P. Housing Board and Another Vs. Manoj Shrivastava** {2006 Supreme Court Cases (L&S) 422 : (2006) 2 SCC 702} and **State of M.P. and Others Vs. Lalit Kumar Verma** {(2007) 1 SCC 575}.
3. Learned Additional Advocate General would inform that pursuant to the State Government's circular dated 5.3.2008, the respondent No.1 has been regularized as unskilled labour with effect from 14.1.2009 and the respondent No.1 has accepted the said regularization.
4. The award impugned in this writ petition has remained stayed by

this Court for all these years and the respondent No.1 has not availed any benefit flowing from the impugned order.

5. In view of the fact that the respondent No.1 has already been regularized and for the fact that the law in respect of legality of the impugned award has already been settled by the Hon'ble Supreme Court in the matters of **Manoj Shrivastava** and **Lalit Kumar Verma** (Supra), the present Writ Petition is disposed of with an observation that the respondent No.1's regularization with effect from 14.1.2009 shall hold the field.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve