

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 325 of 2020**

- Radhelal S/o Late Shri Bodhi Lodhi, Aged About 50 Years R/o Village Birutola, Tahsil And Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Public Works Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh
2. Engineer In Chief Public Works Department, Nirman Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh
3. Chief Engineer Public Works Department, Raipur, District Raipur Chhattisgarh
4. Executive Engineer, Public Works Department, Division- Khairagarh, District Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner	:	Shri S.P. Kale and Shri K.P. S. Gandhi, Advocates
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For Respondents/State	:	Shri Soumya Rai, PL
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Hon'ble Shri Justice Goutam Bhaduri**Order On Board****16/01/2020**

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 2010, award of reinstatement was passed in his favour by the Labour Court in the year

2017 with the legal consequence that the petitioner shall be deemed to be in service from the initial date of appointment in the year 1996.

3. If the case of the petitioner is considered treating his initial date of appointment as in the year 1996, 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 34 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