

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 476 of 2020

Smt. Rajkumari Gayakwad W/o Shri Rambhau Aged About 45
Years Working As Mazdoor At Executive Engineer, Minimata Bango
Project Division - 3, Machadoli , District Korba Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary , Water Resources
Department Mantralaya Mahanadi Bhawan Atal Nagar, District
Raipur Chhattisgarh.
2. Chief Engineer Minimata Bango Project , Water Resources
Department , District Bilaspur Chhattisgarh.
3. Executive Engineer Minimata Bango Dam Division - 3, Machadoli,
District Korba Chhattisgarh.
4. Sub Divisional Officer Minimata Bango Dam Division No. 4/15
Machadoli, Podi Uroda, District Korba Chhattisgarh

----Respondents

For petitioner- Shri Ritesh Giri, Advocate.
For State-Smt. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

04/02/2020

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, her claim for regularization has not been decided till date. It is submitted that though the petitioner was terminated in August, 1996 award of reinstatement was passed in her favour by the Labour Court in the year 2014 with the legal consequence that the petitioner shall be deemed to be in service from the initial date of appointment in the year 1992.
3. If the case of the petitioner is considered treating her initial date of appointment as in the year 1992, she 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 20 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