

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 571 of 2020

- Ramkumar Nishad S/o Shri Sahdev Nishad Aged About 37 Years Working As Vehicle Driver (Pandariya West), Forest Range, Office Pandariya (West), R/o Bairagpara Panariya, Tahsil Pandariya, District Kabirdham, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Forest Department, Mahanadi Bhavan, Mantralaya, Atal Nagar, New Raipur, District Raipur, Chhattisgarh
2. Divisional Forest Officer Forest Division, Kabirdham, District Kabirdham, Chhattisgarh.

--- Respondents

For the Petitioner : Mr. Pankaj Agrawal, Advocate.

For the Respondents : Ms. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.01.2020

1. This petition has been filed by the petitioner seeking a direction for consideration of his case for regularization under Circular dated 05.03.2008 promulgated by the State Government.
2. Learned counsel for the petitioner submits that the petitioner was initially appointed as daily wage employee in the year in the year 2007 in the Forest Division, Pandariya. He was retrenched from service on in the year 2008, against which he filled an application under the ID Act before the Labour Court while the petition was pending, a compromise was affected by the petitioner in the year 2010 on the ground that he was reinstated in the year 02.03.2009.

3. It is submitted that in view of the decision passed by the Division Bench of this Court in the case of Tukaram Vs. State of Chhattisgarh (WPC No.1703 of 2015 and batch of petitions), the petitioner shall be deemed to have continued in service from the initial date of appointment in the year 1992 by ignoring break in service.
4. There is no material on record to show that the petitioner has made any representation for consideration of his case for regularization. Therefore, the petitioner may approach the competent authority for consideration of his claim for regularization under circular dated 05.03.2008.
5. While considering the petitioner's for regularization, the respondent shall treat the petitioner to be continued in service since his initial date of appointment i.e., 2007 and then appropriate decision be taken in the matter.

Sd/-
(GOUTAM BHADURI)
JUDGE