

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 714 of 2020

1. Kanhaiya S/o Samay Kanwar Aged About 53 Years,
2. Gopi S/o Patang Kanwar Aged About 52 Years,
3. Milan S/o- Hatbaid Gond Aged About 55 Years,

All Are R/o- Village Gadbanja, Tahsil Chhuikhadan, District Rajnandgaon,
Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through- Secretary, Water Resources
Department, Mantralaya, Mahanadi Bhawan, New Raipur, District
Raipur, Chhattisgarh
2. Executive Engineer, Water Resources Department, Chhuikhadan,
District Rajnandagaon, Chhattisgarh

----Respondents

For petitioners- Shri Shikhar Sharma, Advocate.
For State-Ms. Binu Sharma, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

03/02/2020

1. The petitioners were engaged as daily wager employee in the year 1986 in the Water Resources Department. They were terminated from the services on 6/04/2004 which was subject of challenge before the Labour Court and the Labour Court by order dated 11/04/2012 has reinstated the petitioners in service without back wages.
2. The grievance of the petitioners are that their case for regularization has not been considered, till date in the light of circular dated 05.03.2008 passed by the State Government, taking into consideration the entire period during which he remained out of employment.
3. Learned counsel for the petitioners would argue that the petitioners are entitled to count entire period of service during which they remained out of employment, consequent upon their reinstatement pursuant to award passed by the Labour Court, in view of authoritative

pronouncement of the Division Bench of this Court in the case of WPS No.1703 of 2015 (Tukaram Vs. State of Chhattisgarh) and batch of petitions decided on 16.05.2017.

4. Learned counsel for the State would submit that though there is no quarrel with the legal proposition as settled by this Court in the case referred to above, the petitioners case would require proper scrutiny upon verification of facts.

5. Considering the submission of learned counsel for the parties and taking note of the fact that till date no decision has been taken in the case of the petitioners in the matter of their claim for regularization under circular dated 05.03.2008, the petition at this stage is disposed off with the direction to respondent to examine the petitioners claim for regularization in accordance with the terms and conditions of circular dated 05.03.2008. While so considering case of the petitioners, the period during which the petitioners remained out of employment shall also be taken into account. That is to say, the petitioners shall be deemed to have continued in service from the initial date of appointment till date.

6. Appropriate Scrutiny Committee should complete the exercise within the period of three months from the date of receipt of copy of this order. The Executive Engineer, Water Resources Department, shall issue necessary direction also for expeditious disposal of the case of the petitioners in accordance with the direction which is now being issued to the Chairman of the Scrutiny Committee.

Sd/-

(Goutam Bhaduri)

JUDGE